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TRANSCRIPT OF RECORD.

SUPREME COURT OF THE UNITED STATES.

No. 481.

EUNICE N. GRAY, PLAINTIFF IN ERROR,

vs.

WILLIAM F. COAN, WALTER I. HAYES, PATRICK JUDGE, CORNELIUS SHAY, PATRICK HALEY, OWEN MELVIN, WILLIAM ROGAN, TIMOTHY HALEY, PATRICK RILEY, AND ANTHONY ROWAN.

IN ERROR TO THE SUPREME COURT OF THE STATE OF IOWA.

FILED DECEMBER 5, 1871.

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IN ERROR TO THE SUPREME COURT OF THE STATE OF IOWA.

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a EUNICE N. GRAY
vs.
WILLIAM F. COAN ET AL.

Be it remembered that, heretofore, to wit, on the 4th day of October, A. D. 1870, there was filed in the office of the clerk of the supreme court of Iowa, a transcript, in words & figures following.

1 STATE OF IOWA, *Cedar County:*

Pleas before the district court of Iowa at a term begun & holden in the county of Cedar, on the first Monday of December, A. D. 1869, before the Hon. Ja's. H. Rothrock, judge of the eight judicial district of the State of Iowa.

EUNICE N. GRAY
vs
W'M. F. COAN ET ALS. } In equity.

Be it remembered that, heretofore to wit, on the 4th day of March, 1868, was filed in the office of the clerk of the district court of the county of Clinton, and State of Iowa, a petition, in words and figures following to wit:

Petition.

THE STATE OF IOWA:

District court of Clinton County.

EUNICE N. GRAY, PLAINTIFF,
vs.
W'M. F. COAN, WALTER I. HAYES, PATRICK Judge, Cornelius Shay, Patrick Haley, Owen Melvin, W'm. Rogan, Timothy Haley, Patrick Riley, and Anthony Rogan, defendants. } In equity.

To the judge of the district court, in & for the county of Clinton, & State of Iowa, sitting in equity:

1. Your petitioner, the plaintiff above named, respectfully represents unto this honorable court that said plaintiff owns, in fee simple,
2 the following lots & blocks situated in Arnold's and Young's addition to the city of Clinton, in the town of Clinton, & county of Clinton, & State of Iowa, that is to say, lots number one, two, three, four, five, six, seven, eight, nine, twenty-one, twenty-two, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, & thirty, in block four; and lots one, two, sixteen, twenty-one, and twenty-two, in block five; and lots one, two, five, six, seven, eight, nine, ten, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one twenty-two, twenty-three, and twenty-four, in block six; and lots sixteen and seventeen, in block seven; and that said plaintiff so owned said lots at the several times said lots were sold for taxes as hereinafter set forth.

2. Your petition' further says that said lots were sold for taxes by the treasurer of said county of Clinton, on the 6th day of October, 1862, and that said lots 16 in block seven, & said lots three, four, five, six, seven, eight, twenty-five, twenty-six, twenty-seven, twenty-eight, twen-

ty-nine, and thirty, in block four, and said lots two, sixteen, twenty-one, and twenty-two, in block five, and said lots one, two, five, six, seven, eight, nine, ten, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, and twenty-four, in block six, were again sold by said treasurer of said county of Clinton,

3 for taxes accruing subsequent to said tax sales of the 6th of October, 1862, as aforesaid, that is to say, subsequent sales of said lots were made by said treasurer on the 2nd day of November, 1863, for the taxes of 1862 then due thereon, and that said lots twenty-one and twenty-two, in block four, were again sold for taxes on the 3rd day of October, 1864, & said lots one, two, sixteen, twenty-one, and twenty-two, in block five, were again sold for taxes by said treasurer of Clinton county, on the third day of October, 1864, for the taxes of 1863.

3. Your petitioner further says that, on the 29th day of September, 1864, your petitioner duly redeemed the aforesaid lots and blocks from all taxes which were then due upon said lots & blocks, and from all tax sales for the same, and paid the proper amount due thereon to the clerk of said district court & board of supervisors of said county of Clinton, who gave your petitioner the proper certificates therefor, a copy of which are hereto attached, marked A, B, C, & D; and, that, on the 25th day of September, 1865, your said petitioner again redeemed the following lots and blocks from all taxes due thereon, and for all tax sales for the same, by paying the proper amount due thereon to said clerk as aforesaid, the certificates of which are hereto attached, marked E and F, that is to say, lots one, two, sixteen, twenty-one, and twenty-two, in block five, and said lots twenty-one and twenty-two, in block four, to all of which said certificates, reference is made as a part of this petition,

4 & that said several redemptions were made for the use & benefit of the said petitioner, and that all taxes have been duly paid by said petitioner on said lots since said sales of said sixth day of October, 1862.

4. Your petitioner further says that your petitioner is informed that, in the month of May, 1866, the said defendant W'm F. Coan, in some manner unknown to your petitioner, obtained tax deeds for said lots & blocks above described, from the said treasurer of Clinton county, & caused the same to be recorded in the record's office of said county of of Clinton, copies of which are hereto attached, G, H, I, K, L, M, & N, and that reference is made to said copy deeds as a part of this petition, and that said several deeds were so made and executed as aforesaid, after said lots and blocks had been redeemed by your petitioner as aforesaid.

5. Your petitioner further says that, at the time of said several sales of said lots for taxes so made as aforesaid, said treasurer did not offer said lots for sale for the smallest portion of the same for the taxes due thereon, but that said lots were so sold by said treasurer as aforesaid, and purchased or bid off by said Coan in entirety; and that several of said lots were sold together for the amount of taxes due thereon, and which appears upon the face of said deeds, copies of which are hereto attached as aforesaid, and which are referred to as a part of this petition as aforesaid, and that said deeds are null and void, and a cloud on

5 your title to said lots, and which is a serious injury to your petitioner, and contrary to equity, and that said Coan has conveyed one or more of said lots to the other defendants herein named.

6. Your petitioner further prays that the said W'm F. Coan, Walter I. Hayes, and the other of said defendants, may be ordered, adjudged, and decreed to produce their deeds before this court, that the same may be

decreed to be null and void, & cancelled of record, & that said defendants be restrained from asserting any right or title under the same, and that your petitioner may recover the costs of this proceeding & have such other & further relief as the nature of the case requires & as shall be agreeable to equity.

D. GRAY, *Plf Att'y.*

THE STATE OF IOWA, *Clinton County*:

I, Daniel Gray, being sworn, say that I am the attorney & agent of Eunice N. Gray, the plaintiff in the foregoing petition, and that I am better acquainted with the statements set forth in said petition than said plaintiff, and that I have read over the foregoing petition and know the statements thereof, and that the same are true, as this affiant verily believes.

(Signed) D. GRAY.

Subscribed and sworn to before me & in my presence by the said Daniel Gray, this 19th day of March, 1869.

(Signed) N. B. HOWARD, *Clerk.*

6 *Copy certificates of redemption.*

"A."

OFFICE OF THE BOARD OF SUPERVISORS,
De Witt, Iowa, Sept. 29th, 1864.

This is to certify that Eunice N. Gray has this day redeemed the real property hereinafter described, by payment of one $\frac{42}{100}$ dollars, as below specified, said property having been sold by the treasurer of said county for the tax of A. D. 1858 & 1859, on the 7th day of October, 1861.

Description of property: Arnold and Young's addition to Clinton City, lot 21 & 22, block 4.

Amount sold for	68
Certificate of sale	25
Thirty p'r c't	20
Int. @ 10 p'r cent	24
Stamp.	5
	1 42

Witness my hand and the seal of the board of supervisors of Clinton County, Iowa, by me affixed.

W'M FAMILTRON, *Clerk.*

[5-ct. stamp. W. F., Sep. 29th, 1864.]

Countersigned Sept. 29, '64.

H. ANTHONY, *Tr.*

"B."

OFFICE OF THE BOARD OF SUPERVISORS,
De Witt, Iowa, Sept. 29th, 1864.

This is to certify that Eunice N. Gray has this day redeemed the real property hereinafter described, by payment of two $\frac{29}{100}$ dollars, as below specified, said property having been sold by the treasurer of said

7 county for the tax of A. D. 1862, on the 2nd day of November, A. D. 1863.

Description of property: Arnold & Young's addition to Clinton, lots 2, 16, 21, 22, 26, block 5.

Amount sold for	1 41
Certificate of sale	25
30 p'r cent	42
Int. @ 10 p'r cent	16
Stamp	5
	$2 29

Witness my hand and the seal of the board of supervisors of Clinton County, Iowa.

W'M FAMILTON, *Clerk.*

[U. S. 5-ct. stamp. W. F., Sept. 29th, 1864.]

Countersigned Sept. 29th, '64.

H. ANTHONY, *Tr.*

"C."

OFFICE OF THE CLERK OF BOARD OF SUPERVISORS,
De Witt, Iowa, Sept. 29th, 1864.

This certificate certifies that Eunice N. Gray has this day redeemed the real property hereinafter described, by payment of two $\frac{07}{100}$ dollars, as below specified, said property having been sold by the treasurer of said county for the tax of A. D. 1862, on the 2nd day of Nov., A. D. 1863.

Description of property: Arnold & Young's addition to Clinton, lots 3, 4, 5, 6, 7, 8, block 4.

Amount sold for	1 24
Certificate of sale	25
30 p'r cent	37
Int. @ 10 p'r cent	16
Stamp	5
	$2 07

Witness my hand and the seal of the board of supervisors for Clinton County, Iowa, by me affixed.

W'M FAMILTON, *Clerk.*

[U. S. 5-ct. stamp. W. F., Sept. 29th, 1864.]

Countersigned Sept. 29th, 1864.

H. ANTHONY, *Tr.*

"D."

8 OFFICE OF THE CLERK OF THE BOARD OF SUPERVISORS,
De Witt, Iowa, Sept. 29th, 1864.

This is to certify that Eunice N. Gray has this day redeemed the real property hereinafter described, by the payment of 64 cents, as below

specified, said property having been sold by the treasurer of the said county for the tax of A. D. 1862, on the 2nd day of Nov. 1863.

Description of property: Arnold & Young's addition to Clinton, lot 16, block 7.

Amount sold for	24
Certificate of sale	25
Thirty p'r cent	07
Interest @ 10 p'r cent	03
Stamp	05
	64

Witness my hand and the seal of the board of supervisors of Clinton County, Iowa, by me affixed.

W'M FAMILTON, *Clerk.*

[U. S. 5-ct. stamp. W. F., Sept. 29th, 1864.]

Countersigned Sept. 29th, 1864.

H. ANTHONY, *Tr.*

"E."

OFFICE OF THE CLERK OF THE BOARD OF SUPERVISORS,
De Witt, Iowa, Sept. 25th, 1865.

This is to certify that Eunice N. Gray has this day redeemed the real property hereinafter described, by payment of four $\frac{44}{100}$ dollars, as below specified, said property having be' sold by the treasurer of said county for the tax of A. D. 1863, on the 3rd day of Oct., A. D. 1864, and for tax paid for 1864.

9 Description of property: Arnold & Young's addition to Clinton, lots 1, 2, 16, 21, & 22, block 5.

Amount sold for	2 48
Certificate of sale	55
Certificate of red'	30
30 p'r cent	82
Int. @ 10 p'r cent	29
	$4 44

Witness my hand and the seal of the board of supervisors of Clinton County, Iowa.

W'M FAMILTON, *Clerk.*

[U. S. 5-c't stamp. W. F., Sept. 25th, '65.]

Countersigned Sept. 25th, 1865.

H. ANTHONY, *Tr.*

"F."

OFFICE OF THE CLERK OF THE BOARD OF SUPERVISORS,
De Witt, Iowa, Sept. 25th, 1865.

This is to certify that Eunice N. Gray has this day redeemed the real property hereinafter described, by payment of two $\frac{10}{100}$ dollars, as below specified, said property having been sold by the treasurer of said county for the tax of A. D. 1860, on the 3rd day of Oct., A. D. 1864.

Description of property: Arnold & Young's addition to S. Clinton, lots 21 & 22, block 4.

Amount sold for	88
Certificate of sale	55
" " " red'	30
30 p'r cent	26
Int. @ 10 p'r cent	11
	$2 10

Witness my hand and the seal of the board of supervisors of Clinton County, Iowa, by me affixed.

W'M FAMILTON, *Clerk.*

[U. S. 5-c't stamp. W. F., Sept. 25th, 1865.]

Countersigned Sept. 25th, 1865.

H. ANTHONY, *Tr.*

"G."

Know all men by these presents that, whereas the following-described real property, viz: Lot number one, (1,) in block number four, 10 in Arnold & Young's addition to South Clinton; lot number two, (2,) in block number four, in same addition last above named; lot number three, (3,) in block number four, in same addition last mentioned; lot number four, (4,) in block number four, in same addition above named; lot number five, (5,) in block number four, in same addition above named; lot number six, (6,) in block number four, in same addition above named; lot number seven, (7,) in block number four, in same addition above named; lot number eight, (8,) in block number four, in same addition above named—all of the above lots are Arnold & Young's addition to South Clinton, situated in the county of Clinton, and State of Iowa, was subject to taxation for the years A. D. 1858, 1859, 1860, & 1861: And whereas the taxes assessed upon said real property for the year aforesaid remained due and unpaid at the date of the sale hereinafter named; and whereas the treasurer of said county did, on the 6th day of October, A. D. 1862, by virtue of the authority in him vested by law, at the sale begun and publicly held on the first Monday of Oct. A. D. 1862, expose to public sale at the court-house, in the county aforesaid, in substantial conformity with all the requisitions of the statute in such case made and provided, the 11 real property above described for the payment of taxes, interests, and costs, then due and remaining unpaid on said property; and whereas at the time and place aforesaid W'm F. Coan, of the county of Clinton, and the State of Iowa, having offered to pay the sum of five dollars and thirty-six cents, ($5 36,) being the whole amount of taxes, interest, and costs then due and remaining unpaid on said property, for the whole of said property, to wit: Lot number one, (1,) in block number four, (4,) in Arnold & Young's addition to South Clinton, for the sum of 45 cents; lot number two, (2,) in block number four, (4,) in Arnold's & Young's addition to South Clinton, for the sum of 45 cents; lot number three, (3,) in block number four, (4,) in Arnold & Young's addition to South Clinton, for the sum of 75 cents; lot number four, (4,) in block number four, (4,) in Arnold & Young's addition to South Clinton, for the sum of 75 cents; lot number five, (5,) in block number

four, (4,) in Arnold's & Young's addition to South Clinton, for the sum of 74 cents; lot number six, (6,) in block number four, (4,) in Arnold & Young's addition to South Clinton, for the sum of 74 cents; lot number seven, (7,) in block number four, (4,) in Arnold & Young's addition to South Clinton, for the sum of 74 cents; lot number eight, (8,)
12 in block number four, (4,) in Arnold & Young's addition to South Clinton, for the sum of 74 cents, which was the least quantity bid for—and payment of said sum being by him made to the said treasurer, the said property was stricken off to him at that price; and, whereas 3 years have elapsed since the date of said sale, and the said property has not been redeemed therefrom, as provided for by law: Now, therefore, I, Robert Williams, treasurer of the county aforesaid, for and in consideration of the said sum to the treasurer paid as aforesaid, and by virtue of the statute in such case made and provided, have granted, bargained, and sold, and by the' presents *to* grant, bargain, and sell unto the said W'm F. Coan, his heirs, and assigns, the real property last hereinbefore described: To have and to hold unto him, the said W'm F. Coan, his heirs and assigns forever, subject, however, to all the rights of redemption provided by law.

In witness whereof I, Robert Williams, treasurer as aforesaid, by virtue of the authority aforesaid, have hereunto subscribed my name on this nineteenth day of May, 1866.

ROBERT WILLIAMS,
Treasurer.

[Gov. stamp, 50 cents.]

STATE OF IOWA, *Clinton County, ss:*

I hereby certify that, before me, a notary public in and for said
13 county, personally appeared the above-named Robert Williams, treasurer of said county, personally known to me to be the treasurer of said county at the date of the execution of the above conveyance, and to be the identical person whose name is affixed to, and who executed the above conveyance as treasurer of said county, and who acknowledge' the execution of the same to be his voluntary act and deed as treasurer of said county, for the purposes therein expressed. Given under my hand and seal this 19th day of May, A. D. 1866.

[NOTARIAL SEAL.] D. WHITNEY,
Notary Public.

Filed May 19th, 1866, at 1 p. m.

STATE OF IOWA, *Clinton County, ss:*

I, I. D. Fagan, recorder of said county, do hereby certify that the foregoing is a true, correct, and complete copy of a tax deed recorded in book H of town lots, page 92, Clinton County records, as witness my hand, at De Witt, this 16th day of January, A. D. 1868.

I. D. FAGAN, *Recorder.*

"H."

Know all *these* men by these presents that whereas the following described real estate, viz: Lot number one, (1,) in block number five, (5,) in Arnold and Young's addition to South Clinton; lot number two, (2,) in block number five, (5,) in Arnold & Young's addition to South
14 Clinton; lot number three, (3,) in block five, (5,) in Arnold & Young's addition to South Clinton; lot number four, (4,) in block five, (5,) in Arnold and Young's addition to South Clinton; lot number

twenty-one, (21,) in block five, (5,) in Arnold and Young's addition to South Clinton; lot number twenty-two, (22,) in block five, (5,) in Arnold and Young's addition to South Clinton; lot number twenty-six, (26,) in block number five, (5,) in Arnold & Young's addition to South Clinton; situated in the county of Clinton and State of Iowa, was subject to taxation for the years A. D. 1858 & 1859, 1860 & 1861; and whereas the taxes assessed upon said real property, for the year aforesaid, remained due and unpaid at the date of the sale hereinafter named; and whereas the treasurer of the said county did, on the 6th day of October, A. D. 1862, by virtue of the authority in him vested by law, at the sale begun and publicly held on the first Monday of October, A. D. 1862, expose to public sale at the court-house, in the county aforesaid, in substantial conformity with all the requisitions of the statute in such case made and provided, the real property above described, for the payment of the taxes, interests, and costs then due and remaining unpaid on said property; and whereas, at the time and place aforesaid, W'm F. Coan,
15 of the county of Clinton, and State of Iowa, having offered to pay the sum of five dollars and twenty-two cents, being the whole amount of taxes, interests, and costs then due and remaining unpaid on said property for the whole of said property, to wit: Lot number one, (1,) in block five, (5,) in Arnold & Young's addition to South Clinton, for the sum of 78 cents; lot number two, (2,) in block five, (5,) in Arnold & Young's addition to South Clinton, for the sum of 79 cents; lot number three, (3,) in block five, (5,) in Arnold & Young's addition to South Clinton, for the sum of 68 cents; lot number four, (4,) in block , (5,) in Arnold and Young's addition to South Clinton, for the sum of 68 cents; lot number twenty-one, in block five, (5,) in Arnold and Young's addition to South Clinton, for the sum of 77 cents; lot number twenty-two, (22,) in block five, (5,) in Arnold & Young's addition to South Clinton, for the sum of 76 cents; lot number twenty-six, (26,) in block five, (5,) in Arnold & Young's addition to South Clinton, for the sum of 76 cents; which was the least quantity bid for; and, payment of said sum being by him made to the said treasurer, the said property was struck off to him at that price; and whereas three
16 (3) years have elapsed since the date of said sale, and the said property has not been redeemed therefrom as provided by law: Now, therefore, I, Robert Williams, treasurer of the county aforesaid, for and in consideration of the said sum to the treasurer paid as aforesaid, and by virtue of the statute in such case made and provided, have granted, bargained, and sold, and by these presents do grant, bargain, and sell unto the said W'm F. Coan, his heirs and assigns, the real property last herein aforesaid described: To have and to hold unto him the said W'm F. Coan, his heirs and assigns, forever, subject, however, to all rights of redemption provided by law.

In witness whereof I, Robert Williams, treasurer as aforesaid, by virtue of the authority aforesaid, have hereunto subscribed my name on this 19th day of May, 1866.

R. WILLIAMS, *Treasurer.*

[Gov. stamp, 50 cents.]

STATE OF IOWA, *Clinton County, ss:*

I hereby certify that before me, a notary public in and for said county, personally appeared the above-named Robert Williams, treasurer of said county, personally known to me to be the treasurer of said county
17 at the date of the execution of the above conveyance, and to be the identical person whose name is affixed to and who executed

the above conveyance as treasurer of said county, and who acknowledged the execution of the same to be his voluntary act and deed as treasurer of said county, for the purposes therein expressed.

Given under my hand and seal this 19th day of May, A. D. 1866.

D. WHITNEY,
Notary Public.

Filed May 19th, 1866, at 1 p. m.

STATE OF IOWA, *Clinton County, ss:*

I, I. D. Fagan, recorder of said county, do hereby certify that the foregoing copy of tax deed is a true, correct, and complete copy of the tax deed recorded in Book H of town lots, page 91. As witness my hand this 16th day of January, A. D. 1868.

I. D. FAGAN.

"I."

Know all men by these presents that whereas the following-described real property, viz: Lot number sixteen, (16,) block number five, (5,) in Arnold & Young's addition to South Clinton; lot number nine, (9,) in block six, (6,) in Arnold & Young's addition to South Clinton; lot number ten, (10,) in block six, (6,) in Arnold and Young's addition to South Clinton; lot number fifteen, (15,) in block six, (6,) in Arnold & Young's addition to South Clinton; lot number one, (1,) in block six, (6,) in Arnold & Young's addition to South Clinton; lot number
18 two, (2,) in block six, (6,) in Arnold & Young's addition to South Clinton; lot number five, (5,) in block six, (6,) in Arnold & Young's addition to South Clinton; lot number six, (6,) in block six, (6,) in Arnold & Young's addition to South Clinton, situated in the county of Clinton, and State of Iowa, was subject to taxation for the years A. D. 1858, 1859, 1860, & 1861; and whereas the taxes assessed upon said real property for the years aforesaid remained due and unpaid at the date of the sale hereinafter named; and whereas the treasurer of said county did, on the 6th day of October, A. D. 1862, by virtue of the authority in him vested by law, at the sale begun and publicly held on the 1st Monday of October, A. D. 1862, expose to public sale at the court-house in the county aforesaid, in substantial conformity with all the requisitions of the statute in such case made and provided, the real property above described for the payment of the taxes, interest, and costs then due and remaining unpaid on said property; and whereas at the time and place aforesaid W'm F. Coan, of the County of Clinton, and State of Iowa, having offered to pay the sum of $4 00 *dollars* and
19 90 cents, being the whole amount of taxes, interest, and costs, then due and remaining unpaid on said property for the whole of said property, to wit: Lot number sixteen, (16,) in block number five, (5,) in Arnold & Young's addition to South Clinton, for the sum of thirty-nine cents; (39c;) lot number nine, (9,) in block number six, (6,) in Arnold & Young's addition to South Clinton, for the sum of 76 cents; lot number ten, (10,) in block six, (6,) in Arnold & Young's addition to South Clinton, for the sum of 75 cents; lot number fifteen, (15,) in block number six, (6,) in Arnold & Young's addition to South Clinton, for the sum of 75 cents; lot number one, (1,) in block number six, (6,) in Arnold & Young's addition to South Clinton, for the sum of 75 cents; lot number two, (2,) in block number six, (6,) in Arnold & Young's addition to South Clinton, for the sum of 75 cents; lot number five, (5,) in block

number six, (6,) in Arnold & Young's addition to South Clinton, for the sum of 75 cents; lot number six, (6,) in block number six, (6,) in Arnold & Young's addition to South Clinton, for the sum of 75 cents; and whereas 3 years have elapsed since the date of said sale, and the said property has not been redeemed therefrom, as provided for by law: Now, therefore, I, Robert Williams, treasurer of the county aforesaid, for and in consideration of the said sum to the treasurer paid as aforesaid,
20 and by virtue of the statute in such case made and provided, have granted, bargained, and sold, and by these presents do grant, bargain, and sell unto the said W'm F. Coan, his heirs and assigns, the real property last hereinbefore-described: To have and to hold unto him, the said W'm F. Coan, his heirs assigns forever, subject, however, to all the rights of redemption provided by law.

In witness whereof I, Robert Williams, treasurer aforesaid, by virtue of the authority aforesaid, have hereunto subscribed my name on this 21st day of May, 1866.

R. WILLIAMS, *Treasurer.*

[Gov. stamp, 50 cents.]

STATE OF IOWA, *Clinton County, ss:*

I hereby certify that before me, a notary public in and for said county, personally appeared the above-named Robert Williams, treasurer of said county, personally known to me to be the treasurer of said county at the date of the execution of the above conveyance, and to be the identical person whose name is affixed to, and who executed the above conveyance as treasurer of said county, and who acknowledged the execution of the same to be his voluntary act and deed as treasurer of said county, for the purposes therein expressed.

21 Given under my hand and seal this 24th day of May, A. D. 1866.

[NOTARIAL SEAL.] D. WHITNEY, *Notary Public.*

Filed May 24th, 1866, at 6 p. m.

STATE OF IOWA, *Clinton County, ss:*

I, I. D. Fagan, recorder of Clinton County, do hereby certify that the foregoing is a true, correct, and complete copy of a tax deed recorded in Book H of town lots, page 109, Clinton County records, as witness my hand at De Witt, this 16th day of January, A. D. 1868.

I. D. RAGAN, *Recorder.*

"K."

Know all men by these presents that, whereas the following-described real property, viz: Lot number sixteen, (16,) in block seven, (7,) in Arnold & Young's addition to South Clinton; lot number seventeen, (17,) in block seven, (7,) in Arnold & Young's addition to South Clinton; lot number twenty, (20,) in block seven, (7,) in Arnold & Young's addition to South Clinton; lot number twenty-one, (21,) in block seven, (7,) in Arnold & Young's addition to South Clinton; lot number twenty-two, (22,) in block seven, (7,) in Arnold & Young's addition to South Clinton; lot number twenty-three, (23,) in block seven, (7,) in Arnold & Young's addition to South Clinton; lot number twenty-four, (24,)
22 in block seven, (7,) in Arnold & Young's addition to South Clinton, situated in the county of Clinton, and State of Iowa, was subject to taxation for the years A. D. 1858, 1859, 1860, & 1861; and whereas the taxes assessed upon said real property for the years aforesaid re-

mained due and unpaid at the date of the sale hereinafter named; and whereas the treasurer of the said county did, on the 6th day of October, A. D. 1862, by virtue of the authority in him vested by law, at the sale begun and publicly held on the first Monday of October, A. D. 1862, expose to public sale at the court-house, in the county aforesaid, in substantial conformity with all the requisitions of the statute in such case made & provided, the real property above described, for the payment of the taxes, interest, and costs then due and remaining unpaid on said property; and whereas, at the time and place aforesaid, W'm F. Coan, of the county of Clinton, and State of Iowa, having offered to pay the sum of five dollars and seven cents, ($5 07,) being the whole amount of taxes, interest, & costs then due and remaining unpaid on said property, for the whole of said property, to wit: Lot number sixteen, (16,) in block number seven, (7,) in Arnold & Young's addition to South Clinton, for the sum of 73 cents; lot number seventeen, (17,) in block number seven, (7,) in Arnold & Young's addition to South Clinton,
23 for the sum of 73 cents; lot number twenty, in block seven, (7,) in Arnold & Young's addition to South Clinton, for the sum of 73 cents; lot number twenty-one, (21,) in block seven, (7,) in Arnold & Young's addition to South Clinton, for the sum of 72 cents; lot number twenty-two, (22,) in block seven, (7,) in Arnold & Young's addition to South Clinton, for the sum of 72 cents; lot number twenty-three, (23,) in block seven, (7,) in Arnold & Young's addition to South Clinton, for the sum of 73 cents; lot number twenty-four, (24,) in block seven, (7,) in Arnold & Young's addition to South Clinton, for the sum of 71 cents; which was the least quantity bid for, and payment of said sums having by him been made to the said treasurer, the said property was strieken off to him at that price; and whereas 3 years have elapsed since the sale, and the said property has not been redeemed therefrom as provided for by law: Now, therefore, I, Robert Williams, treasurer of the county aforesaid, for and in consideration of the same sum to the treasurer paid as aforesaid, and by virtue of the statute in such case made & provided, have granted, bargained, and sold, and by these presents do grant, bargain, and sell unto the said W'm F. Coan, his heirs
24 and assigns, the real property last hereinbefore described: To have and to hold unto him, the said W'm F. Coan, his heirs and assigns forever, subject, however, to all the rights of redemption provided by law.

In witness whereof I, Robert Williams, treasurer as aforesaid, by virtue of the authority aforesaid, have hereunto subscribed my name on this twenty-fourth day of May, 1866.

R. WILLIAMS, *Treasurer.*

[Gov. stamp, 50 cents.]

STATE OF IOWA, *Clinton County, ss:*

I hereby certify that before me, a notary public, in and for said county, personally appeared the above-named Robert Williams, treasurer of said county, personally known to me to be the treasurer of said county at the date of the execution of the above conveyance, and to be the identical person whose name is affixed to, and who executed the above conveyance, as treasurer of said county, and who acknowledged the execution of the same to be his voluntary act and deed as treasurer of said county, for the purposes ther'in expressed. Given under my hand and seal this 24th day of May, A. D. 1866.

[NOTARIAL SEAL.] D. WHITNEY,
Notary Public.

Filed May 24th, 1866, at 9 a. m.

STATE OF IOWA, *Clinton County, ss:*

25 I, I. D. Ragan, recorder of said county, do hereby certify that the foregoing is a true, correct, and complete copy of a tax deed recorded in book H of town lots, page 111, Clinton County records, as witness my hand at De Witt, this 16th day of January, 1868.

I. D. RAGAN, *Recorder.*

[U. S. 5-c't stamp.]

Copy certificates.

"A."

OFFICE OF THE CLERK OF THE BOARD OF SUPERVISORS,
De Witt, Iowa, Sept. 29th, 1864.

This is to certify that Eunice N. Gray has this day redeemed the real property hereinafter described by payment of two $\frac{33}{100}$ dollars, as below specified, said property having been sold by the treasurer of said county for the tax of A. D. 1862, on the 2nd day of Nov., A. D. 1863.

Description of property: Arnold & Young's addition to Clinton, lots 25, 26, 27, 28, 29, & 30, block 4.

Amount sold for	1 43
Certificate of sale	25
Thirty p'r cent	44
Int. @ 10 p'r cent	16
U. S. stamp	05
	$2 33

Witness my hand and the seal of the board of supervisors for Clinton County, Iowa, by me affixed.

W'M FAMILTON, *Clerk.*

Copy certificate.

"B."

OFFICE OF THE BOARD OF SUPERVISORS, CLERK'S ROOM,
De Witt, Iowa, Sept. 25th, 1865.

26 This is to certify that Eunice N. Gray has this day redeemed the real property hereinafter described by payment of four $\frac{44}{100}$ dollars, as below sepecified, said property having been sold by the treasurer of said county for the tax of A. D. 1863, on the 3rd day of Oct., A. D. 1864, and for tax paid, and tax '64.

Description of property: Arnold & Young's addition to S. Clinton, lots 1, 2, 16, 21, 22, block 5.

Amount sold for	2 48
Certificate of sale	55
Certificate of red'	30
Thirty p'r cent	82
Int. @ 10 p'r cent	29
	$4 44

U. S. 5-c't stamp.]

Witness my hand and the seal of the board of supervisors of Clinton County, Iowa, by me affixed.

W'M FAMILTON, *Clerk.*

Copy certificate.

"C."

OFFICE OF THE CLERK OF THE BOARD OF SUPERVISORS,
De Witt, Iowa, Sept. 29th, 1864.

This is to certify that Eunice N. Gray has this day redeemed the property hereinafter described, by payment of seven $\frac{82}{100}$ dollars, ($7 82,) as below specified, said property having been sold by the treasurer of said county for the tax of A. D. 1862, on the 2nd day of Nov., A. D. 1863.

Description of property: Arnold & Young's addition to Clinton, lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, block 6.

Amount sold for	5 28
Certificate of sale	25
Thirty p'r cent	1 58
Int. @ 10 p'r cent	66
Stamp	05
	$7 82

27 Witness my hand and the seal of the board of supervisors for Clinton County, Iowa, by me affixed.

W'M FAMILTON, *Clerk.*

[U. S. Gov. stamp.]

Copy deed.

"D."

Know all men by these presents that, whereas the following-described real property, viz: Lot number twenty-five, (25,) in block number four, (4,) in Arnold & Young's addition to South Clinton; lot number twenty-six, (26,) in block number four, (4,) in same addition last mentioned; lot number twenty-seven, (27,) in block number four, (4,) in same addition last mentioned; lot number twenty-eight, (28,) in block number four, (4,) in same addition last mentioned; lot number twenty-nine, (29,) in block number four, (4,) in same addition last mentioned; lot number thirty, (30,) in block number four, (4,) in same addition last mentioned, situated in the county of Clinton, and State of Iowa, was subject to taxation for the years A. D. 1858, 1859, 1860, & 1861; and whereas the taxes assessed upon said real property for the years aforesaid remained due and unpaid at the date of the sale hereinafter named; and whereas the treasurer of the said county did, on the 6th day of October, A. D. 1862, by virtue of the authority in him vested by law, at the sale be-
28 gun and publicly held on the first Monday of Oct., A. D. 1862, expose to public sale at the court-house, in the county aforesaid, in substantial conformity with all the requisitions of the statute in such case made and provided, the real property above described for the pay-

ment of the taxes, interest, and costs, then due and remaining unpaid on said property; and whereas, at the time and place aforesaid, W'm F. Coan, of the county of Clinton, and State of Iowa, having offered to pay the sum of four dollars and seventy cents, being the whole amount of taxes, interest, and costs then due and remaining unpaid on said property, for the whole of said property, to wit: Lot number twenty-five, (25,) in block number four, (4,) Arnold & Young's addition to South Clinton, for the sum of 79 cents; lot number twenty-six, (26,) in block number four, (4,) in Arnold & Young's addition to South Clinton, for the sum of 79 cents; lot number twenty-seven, (27,) in block number four, (4,) in Arnold & Young's addition to South Clinton, for the sum of 78 cents; lot number twenty-eight, (28,) in block number four, (4,) in Arnold & Young's addition to South Clinton, for the sum of 78 cents; lot number twenty-nine, (29,) in block number four, (4,) in Arnold & Young's addition to South Clinton, for the sum of 78 cents; lot number thirty, (30,) in block number four, (4,) in Arnold & Young's
29 addition to South Clinton, for the sum of 78 cents, which was the least quantity bid for, and payment of said sum having been by him made to the said treasurer, the said property was striken off to him at that price; and whereas three (3) years have elapsed since the date of said sale, and the said property has not been redeemed therefrom, as provided for by law: Now, therefore, I, Robert Williams, treasurer of the county aforesaid, for, and in consideration of the said sum to the treasurer paid as aforesaid, and by virtue of the statute in such case made and provided, have granted, bargained, and sold, & by these presents do grant, bargain, and sell unto the said W'm F. Coan, his heirs and assigns, the real property last hereinbefore described: To have and to hold unto the said W'm F. Coan, his heirs and assigns, forever, subject, however, to all the rights of redemption provided by law.

In witness whereof I, Robert Williams, treasurer as aforesaid, by virtue of the authority aforesaid, have hereunto subscribed my name on this 19th day of May, 1866.

R. WILLIAMS, *Treasurer.*

[Gov. stamp, 50 cents.]

STATE OF IOWA, *Clinton County, ss:*

I hereby certify that, before me, a notary public in and for said
30 county, personally appeared the above-named Robert Williams, treasurer of said county, personally known to me to be the treasurer of said county at the date of the execution of the above conveyance, to be the identical person whose name is affixed to, and who executed the above conveyance as treasurer of said county, and who acknowledged the execution of the same to be his voluntary act and deed as treasurer of said county, for the purposes therein expressed.

Given under my hand and seal this 19th day of May, A. D. 1866.

[NOTARIAL SEAL.] D. WHITNEY,
Notary Public.

Filed May 19th, 1866, at 1 p. m., & recorded in book H of town lots, page 95.

Copy deed.

"E."

Know all men by these presents that, whereas the following-described

real property, viz: Lot number one, (1,) in block number five, (5,) in Arnold & Young's addition to South Clinton; lot number two, (2,) in block five, (5,) in Arnold & Young's addition to South Clinton; lot number three, (3,) in block five, (5,) in Arnold & Young's addition to South Clinton; lot number four, (4,) in block, (5,) in Arnold & Young's addition to South Clinton; lot number twenty-one (21,) in block five, (5,) in Arnold & Young's addition to South Clinton; lot number twenty-two, (22,) in block five, (5,) in Arnold & Young's addition to South
31 Clinton; lot number twenty-six, (26,) in block five, (5,) in Arnold & Young's addition to South Clinton, situated in the county of Clinton, and State of Iowa, was subject to taxation for the years A. D. 1858, 1859, 1860, & 1861; and whereas the taxes assessed upon said real property for the year aforesaid, remained due and unpaid at the date of the sale hereinafter named; and whereas the treasurer of said county did, on the 6th day of October, A. D. 1862, by virtue of the authority in him vested by law, at the sale begun and publicly held on the first Monday of October, A. D. 1862, expose to public sale at the court-house, in the county aforesaid, in substantial conformity with all the requisitions of the statute in such case made and provided, the real property above described for the payment of the taxes, interest, and costs then due and remaining unpaid on said property; and whereas at the time and place aforesaid, W'm F. Coan, of the county of Clinton, and State of Iowa, having offered to pay the sum of five dollars and seventy-two cents, ($5\frac{72}{100}$,) being the whole amount of taxes, interest and costs then, due and remaining unpaid on said property for the whole of said property, to wit: Lot number one, (1,) in block five, (5,) in Arnold & Young's addition to South Clinton, for the sum of 78
32 cents; lot number two, (2,) in block five, in Arnold & Young's addition to South Clinton, for the sum of 79 cents; lot number three, (3,) in block five, (5,) in Arnold & Young's addition to South Clinton, for the sum of 68 cents; lot number four, (4,) in block five, (5,) in Arnold & Young's addition to South Clinton, for the sum of 68 cents; lot number twenty-one, (21,) in block five, (5,) in Arnold & Young's addition to South Clinton, for the sum of 77 cents; lot number twenty-two, (22,) in block five, (5,) in Arnold & Young's addition to South Clinton, for the sum of 76 cents: lot number twenty-six, (26,) in block five, (5,) in Arnold & Young's addition to South Clinton, for the sum 76 cents, which was the least quantity bid for, and payment of said sum having been made by him to the said treasurer, the said property was stricken off to him at that price; and whereas three years have elapsed since the date of said sale, and the said property has not been redeemed therefrom, as provided for by law: Now, therefore, I, Robert Williams, treasurer of the county aforesaid, for and in consideration of the same to the treasurer paid as aforesaid, and by virtue of the statute in such case made and provided, have granted, bargained, and sold, and by the' presents do grant, bargain, and sell unto the said W'm F. Coan, his heirs and assigns, the real property last hereinbefore
33 described: To have and to hold unto him, the said W'm F. Coan, his heirs, and assigns forever, subject however to all the rights of redemption by law.

In witness whereof I, Robert Williams, treasurer as aforesaid, by virtue of the authority aforesaid, have hereunto subscribed my name, on this 19th day of May, 1866.

R. WILLIAMS, *Treasurer.*

[Gov. stamp, 50 cents.]

STATE OF IOWA, *Clinton County, ss:*

I hereby certify that, before me, a notary public in and for said county, personally appeared the above-named Robert Williams, treasurer of said county, personally known to me to be the treasurer of said county at the date of the execution of the above conveyance, and to be the identical person whose name is affixed to and who executed the above conveyance as treasurer of said county, and who acknowledged the execution of the same to be his voluntary act and deed as treasurer of said county, for the purposes therein expressed.

Given under my hand and seal this 19th day of May, A. D. 1866.

[NOTARIAL SEAL.] D. WHITNEY,
Notary Public.

Filed May 19, '66, at 1 p. m.

Copy deed.

"F."

Know all men by these presents that, whereas the following-described real property, viz: Lot number sixteen, (16,) block five, (5,) in
34 Arnold & Young's addition to South Clinton; lot number nine, (9,) in block number six, (6,) in Arnold & Young's addition to South Clinton; lot number ten, (10,) in block number six, (6,) in Arnold & Young's addition to South Clinton; lot number fifteen, in block number six, (6,) in Arnold & Young's addition to South Clinton; lot number one, (1,) in block number six, (6,) in Arnold & Young's addition to South Clinton; lot number two, (2,) in block six, (6,) in Arnold & Young's addition to South Clinton; lot number five, (5,) in block number six, (6,) in Arnold & Young's addition to South Clinton; lot number six, (6,) in block (6,) six, in Arnold & Young's addition to South Clinton, situated in the county of Clinton, and State of Iowa, was subject to taxation for the years A. D. 1858, 1859, 1860, & 1861; and whereas the taxes assessed upon said real property for the years aforesaid remained due and unpaid at the date of the sale hereinafter named; and whereas the treasurer of said county did, on the 6th day of October, A. D. 1862, by virtue of the authority in him vested by law, at the sale begun and publicly held on the first Monday of Oct., A. D. 1862, expose to public sale at the court-house, in said county, in substantial conformity with all the requisitions of the statute in such case made and provided, the real property above described for the payment of the taxes, interest, and costs then due and remaining unpaid on said property; and
35 whereas at the time & place aforesaid, W'm F. Coan, of the county of Clinton, and State of Iowa, having offered to pay the sum of four dollars and ninety cents, ($4 90,) being the whole amount of taxes, interest, and costs then due and remaining unpaid on said property for the whole of said property, to wit: Lot number sixteen, (16,) in block five, (5,) in Arnold & Young's addition to South Clinton, for the sum of 39 cents; lot number nine, (9,) in block number six, (6,) in Arnold & Young's addition to South Clinton, for the sum of 76 cents; lot number ten, (10,) in block number six, (6,) in Arnold & Young's addition to South Clinton, for the sum of 75 cents; lot number fifteen, (15,) in block number six, (6,) in Arnold & Young's addition to South Clinton, for the sum of 75 cents; lot number one, (1,) in block six, (6,) in Arnold & Young's addition to South Clinton, for the sum of 75 cents; lot number two, (2,) in block six, (6,) in Arnold & Young's addition to

South Clinton, for the sum of 75 cents; lot number five, (5,) in block six, (6,) in Arnold & Young's addition to South Clinton, for the sum of 75 cents; lot number six, (6,) in block six, (6,) in Arnold & Young's addition to South Clinton, for the sum of 75 cents, which was the least quantity bid for, and payment of said sum having been by him made to the said treasurer the said property was stricken off to him at that price; and whereas three years have elapsed since the date of said
36 sale, and the said property has not been redeemed therefrom as provided for by law: Now, therefore, I, Robert Williams, treasurer of the county aforesaid, for and in consideration of the said sum to the treasurer paid as aforesaid, and by virtue of the statute in such case made and provided, have granted, bargained, and sold, and by these presents do grant, bargain, and sell unto the said W'm F. Coan, his heirs and assigns, the real property last hereinbefore described: To have and to hold unto him the said W'm F. Coan, his heirs and assigns, forever, subject, however, to all the rights of redemption provided by law.

In witness whereof I, Robert Williams, treasurer as aforesaid, by virtue of the authority aforesaid, have hereunto affixed my name on this twenty-first day of May, 1866.

R. WILLIAMS, *Treasurer.*

[Gov. stamp, 50 cents.]

STATE OF IOWA, *Clinton County, ss:*

I hereby certify that, before me, a notary public in and for said county, personally appeared the above-named Robert Williams, treasurer of said county, personally known to me to be the treasurer of said county at the date of the execution of the above conveyance, and to be the identical person whose name is affixed to and who executed the
37 above conveyance as treasurer of said county, and who acknowledged the execution of the same to be his voluntary act and deed as treasurer of said county for the purposes therein expressed.

Given under my hand and seal this 24th day of May, A. D. 1866.

D. WHITNEY, *Notary Public.*

Filed May 24th, 1866, at 6 p. m., & recorded in book H of town lots, on page 109.

Copy deed.

"G."

Know all men by these presents that whereas the following-described real property, viz: Lot number seven, (7,) in block six, (6,) in Arnold & Young's addition to South Clinton; lot number eight, (8,) in block six, (6,) in Arnold & Young's addition to South Clinton; lot number thirteen, 13,) in block six, (6,) in Arnold & Young's addition to South Clinton; lot number fourteen, (14,) in block six, (6,) in Arnold & Young's addition to South Clinton; lot number sixteen, (16,) in block six, (6,) in Arnold & Young's addition to South Clinton; lot number seventeen, (17,) in block six, (6,) in Arnold & Young's addition to South Clinton; lot number eighteen, (18,) in block six, (6,) in Arnold & Young's addition to South Clinton, situated in the county of Clinton, and State of Iowa, was subject to taxation for the years A. D. 1859, 1858, 1860, & 1861; and whereas the taxes assessed upon said real property for the

years aforesaid remained due and unpaid at the date of the sale
38 hereinafter named; and whereas the treasurer of the said county did, on the 6th day of October, A. D. 1862, by virtue of the authority in him vested by law, at the sale begun & publicly held on the first Monday of October, A. D. 1862, expose to public sale at the courthouse, in the county aforesaid, in substantial conformity with all the requisitions of the statute in such case made & provided, the real property above described, for the payment of the taxes, interest, and costs then due and remaining unpaid on said property; and whereas, at the time and place aforesaid, W'm F. Coan, of the county of Clinton, and State of Iowa, having offered to pay the sum of five dollars and seventy-five cents, ($5 75,) being the whole amount of taxes, interest, and costs then due and remaining unpaid on said property for the whole of said property, to wit: Lot number seven, (7,) in block six, (6,) in Arnold & Young's addition to South Clinton, for the sum of 75 cents; lot number eight, (8,) in block six, (6,) in Arnold & Young's addition to South Clinton, for the sum of 75 cents; lot number thirteen, (13,) in block six, (6,) in Arnold & Young's addition to South Clinton, for the sum of 75 cents; lot number fourteen, (14,) in block six, (6,) in Arnold & Young's addition to South Clinton, for the sum of 75 cents; lot number sixteen, (16,) in block six, (6,) in Arnold & Young's addition to South Clinton,
39 for the sum of 75 cents; lot number seventeen, (17,) in block six, (6,) in Arnold & Young's addition to South Clinton, for the sum of 75 cents; lot number eighteen, (18,) in block six, (6,) in Arnold and Young's addition to South Clinton, for the sum of 75 cents, which was the least quantity bid for, and payment of said sum having been by him made to the said treasurer, the said property was stricken off to him at that price; and whereas three years have elapsed since the date of said sale, and the said property has not been redeemed therefrom as provided by law: Now, therefore, I, Robert Williams, treasurer of the county as aforesaid, for and in consideration of the said sum to the treasurer paid as aforesaid, and by virtue of the statute in such case made and provided, have granted, bargained, and sold, and by these presents do grant, bargain, and sell unto the said W'm F. Coan, his heirs, and assigns, the real property last hereinbefore described: To have and to hold unto him, the said W'm F. Coan, his heirs and assigns, forever, subject, however, to all the rights of redemption provided by law.

In witness whereof I, Robert Williams, treasurer as aforesaid, by virtue of the authority aforesaid, have hereunto subscribed my name, on this 24th day of May, 1866.

R. WILLIAMS,
Treasurer.

[U. S. stamp, 50 cents.]

40 STATE OF IOWA, *Clinton County, ss:*

I hereby certify that, before me, a notary public in and for said county, personally appeared the above-named Robert Williams, treasurer of said county, personally known to me to be the treasurer of said county at the date of the execution of the above conveyance, and to be the identical person whose name is affixed to and who executed the above conveyance as treasurer of said county, and who acknowledged the execution of the same to be his voluntary act and deed as treasurer of said county, for the purposes therein expressed.

Given under my hand and seal this 24th day of May, A. D. 1866.

D. WHITNEY,
Notary Public.

Filed May 24th, 1866, at 9 a. m., & recorded in Book H of town lots, page 107.

Copy deed.

"H."

Know all men by these presents that, whereas the following-described real property, viz: Lot number nineteen, (19,) in block six, (6,) in Arnold & Young's addition to South Clinton; lot number twenty, (20,) in block six, (6,) in Arnold & Young's addition to South Clinton; lot number twenty-three, (23,) in block six, (6,) in Arnold & Young's addition to South Clinton; lot number twenty-two, (22,) in block
41 six, (6,) in Arnold & Young's addition to South Clinton; lot number twenty-four, (24,) in block six, (6,) in Arnold & Young's addition to South Clinton; lot number twenty one, (21,) in block six, (6,) in Arnold & Young's addition to South Clinton; lot number fifteen, (15,) in block seven, (7,) in Arnold & Young's addition to South Clinton, situated in the county of Clinton and State of Iowa, was subject to taxation for the years, A. D. 1858, 1859, 1860, & 1861; and whereas the taxes assessed upon said real property for the years aforesaid remained due and unpaid at the date of the sale hereinafter named; and whereas the treasurer of said county did, *did* on the 6th day of October, A. D. 1862, by virtue of the authority in him vested by law, at the sale begun and publicly held on the first Monday of October, A. D. 1862, expose to public sale at the court-house, in the county aforesaid, in substantial conformity with all the requisitions of the statute in such case made and provided, the real property above described, for the payment of the taxes, interest, & costs then due and remaining unpaid on said property; and whereas, at the time and place aforesaid, W'm F. Coan, of the county of Clinton & State of Iowa, having offered to pay the sum of five dollars and twenty-three cents ($5 23) being the whole amount of
42 taxes, interest, and costs then due and remaining unpaid on said property, for the whole of said property, to wit: Lot number nineteen, (19,) in block six, (6,) in Arnold & Young's addition to South Clinton, for the sum of 75 cents; lot number twenty, (20,) in block six, (6,) in Arnold & Young's addition to South Clinton, for the sum of 75 cents; lot number twenty-three, (23,) in block six, (6,) in Arnold & Young's addition to South Clinton, for the sum of 75 cents; lot number twenty-two, (22,) in block six, (6,) in Arnold & Young's addition to South Clinton, for the sum of 75 cents; lot number twenty-four, (24,) in block six, (6,) in Arnold & Young's addition to South Clinton, for the sum of 75 cents; lot number twenty-one, (21,) in block six, (6,) in Arnold & Young's addition to South Clinton, for the sum of 75 cents; lot number fifteen, (15,) in block seven, (7,) in Arnold & Young's addition to South Clinton, for the sum of 73 cents, which was the least quantity bid for, and payment of said sum having been by him made to the said treasurer, the said property was stricken off to him at that price; and whereas three years have elapsed since the sale, and the said property has not been redeemed therefrom as provided by law: Now, therefore, I, Robert Williams, treasurer of the county aforesaid,
43 for and in consideration of the said sum to the treasurer paid as aforesaid, and by virtue of the statute in such case made & provided, have granted, bargained, & sold, and by these presents do grant, bargain, and sell unto the said W'm F. Coan, his heirs and assigns, the real property last hereinafter described: To have and to

hold unto him, the said W'm F. Coan, his heirs and assigns forever, subject to all the rights of redemption provided by law.

In witness whereof I, Robert Williams, treasurer as aforesaid, by virtue of the authority aforesaid, have hereunto subscribed my name, on this twenty-fourth day of May, 1866.

R. WILLIAMS,
Treasurer.

[U. S. stamp, 50 cents.]

STATE OF IOWA, *Clinton County, ss:*

I hereby certify that, before me, a notary public in and for said county, personally appeared the above-named Robert Williams, treasurer of said county, personally known to me to be the treasurer of said county at the date of the execution of the above conveyance, to be the identical person whose name is affixed to and who executed the above conveyance as treasurer of said county, and who acknowledged the execution of the same to be his voluntary act and deed as treasurer of said county, for the purposes therein expressed.

44 Given under my hand and seal this 24th day of May, A. D. 1866.

D. WHITNEY,
Notary Public.

Filed May 24th, 1866, at 9 a. m., & recorded in book H of town lots, page 112.

And attached to said petition, was a notice in words and figures following, to wit:

Original notice.

STATE OF IOWA, *Clinton County, ss:*

In the district court in & and for said county.

EUNICE N. GRAY, PL'FF,
vs.
W'M F. COAN ET ALA., DEF.

Walter I. Hays, Patrick Judge, Cornelius Shay, Patrick Haley, Owen Melvin, W'm Ragan, Timothy Haley, Patrick Riley, & Anthony Rowan.

To the above named defendants:

You are hereby notified that, on or before the 27th day of August, A. D. 1869, there will be on file in the office of the clerk of the district court, in Clinton County, a petition of Eunice N. Gray, the plaintiff above named, claiming of you that the deeds you hold of lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 21, 22, 25, 26, 27, 28, 29, & 30, in block 4; and lots 1, 2, 16, 21, & 22, in block 5; and lots 1, 2, 5, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, & 24, in block 6; and lots 16 & 17, in block 7, all in Arnold & Young's addition to South Clinton, are null & void, and that they be cancelled of record; and for other relief, and that unless you appear thereto and defend, on or before noon of the 2nd day of the next term of said
45 court appointed to be held at the court-house, in De Witt, in and for said county, on the first Monday of September next, default will be entered against you and judgement rendered thereon, according

to the prayer of the petition. You are also, hereby notified that no personal claim is made against any of said defendants except .

Dated this 18th day of March, A. D. 1869.

D. GRAY.
Plaintiff's Attorney.

And on which notice was endorsed a return in words and figures following, to wit:

STATE OF IOWA, *County of Clinton, ss:*

I hereby certify that I served the within notice on the defendants within named, on the 9th day of April, A. D. 1869, at Clinton, in the county of Clinton, and State of Iowa; that such service was made by reading said notice to said defendants and delivering a copy thereof to them personally at the time and place aforesaid.

ROBERT HOGLE,
Sheriff Clinton County.

Fees, $7 75. Rec'd payment of N. B. Howard, clerk dist. court, Sept. 18th, 1869.

JAMES SHERBURNE.

And afterwards, to wit, April 15th 1869, was filed in the office of the clerk of the district court of Clinton County, Iowa, an answer in words and figures following, to wit:

Answer.

STATE OF IOWA, *Clinton County, ss:*

In district court for said county.

46 EUNICE N. GRAY, PLAINTIFF,
vs.
W'M F. COAN, WALTER I. HAYES, PATRICK Judge, Cornelius Shay, Partrick Haley, Owin Melvin, W'm Rogan, Timothy Haley, Patrick Riley, & Anthony Rowan, defendants.

And now comes the said defendants, and, answering the petition of the said plaintiff, says:

1st. They deny that the said plaintiff owns in fee-simple or otherwise the lots mentioned in her said petition, or any or either of them, or that she ever so owned said lots.

2nd. That, on or about the 6th day of October, A. D. 1862, the said defendant, W'm F. Coan, duly purchased said lots of the treasurer of said county of Clinton, upon a sale of the same for taxes then due upon them, and for which they were then legally liable & subject to be sold, & that the said lots or either or any of them were never, by the said plaintiff or by any other person, redeemed from said sales, & that no certificate or certificates of redemption of said lots or any or either of them were ever given from said sales by any person, to said plaintiff or any other person.

3rd. That the said defendant W'm F. Coan, at the time in said petition stated, and also in the year 1868, duly obtained tax deeds for said

lots upon and by virtue of the said sale in 1862, and before the commencement of this suit, caused all of said tax deeds to be duly
47 recorded in the office of the recorder of said county of Clinton.

4th. They deny that the said plaintiff at any time duly redeemed said lots and blocks, or any or either of them, from all taxes which were due upon them, or that she even paid the proper amount due thereon to the clerk of said district court, or the clerk of the board of supervisors of said county, or any other person, as stated in said petition.

5th. They deny that, at the said sale, made in 1862, or at any other tax sale, at which said defendant W'm F. Coan ever purchased said lots, or any or either of them, the same were by said treasurer sold or by said defendant bid off and purchased in entirety, and not for the smallest portion of the same that would have paid said taxes, and say that said lots were each sold separately and by itself, and that the whole of each of said lots was the smallest portion of the same that one offered to or would pay the amount due thereon for at any of said sales.

6th. They deny that the tax deeds for said lots, or any or either of them, are null and void, and a cloud upon any title of the said plaintiff to said lots, or any or either of them.

7th. That the said defendant W'm F. Coan is the owner in fee-simple of all of said lots, except lots three, four, five, six, seven, & eight, in block four; lots two, sixteen, twenty-one, & twenty-two, in block five; and lots sixteen & seventeen, in block seven; and that said lots
48 are now owned in fee-simple by said defendant Walter I. Hayes, and such other of said lots as the said defendant W'm F. Coan has conveyed to the other defendants herein, as stated in said petition, said lots being now owned in fee-simple by said defendants respectively as they have been so conveyed to them.

8th. The said defendants have not knowledge or information sufficient to form a belief as to whether the pretended copies of deeds, attached to and made a part of the petition in this cause, are copies of any of the tax deeds given to said defendant W'm F. Coan, or not, or whether the pretended copies of certificates of redemption are true copies or not, or whether any such certificates were ever given or not, but say that said copies of deeds are not copies of all tax deeds received by said defendant for said lots upon said sale in 1862.

9th. The said defendants deny each and every allegation in said petition contained not herein before admitted. The said defendants, therefore, ask to be dismissed herein, and for their costs of suit, and that their title in and to all of said lots mentioned in said petition may be declared to be a good and valid title thereto in fee-simple, and that the tax deeds thereof mentioned in this answer may be declared to be good, valid, legal, and sufficient tax deeds therefor; and for such
49 other and further relief as they may be entitled to.

WALTER I. HAYES,
Attorney for Defendants.

STATE OF IOWA, *Clinton County, ss:*

W'm F. Coan, being by me first duly sworn, says that he is one of the defendants named in the foregoing answer; that he has heard the said answer read, & knows the contents thereof, and that the statements thereof are true as he verily believes.

W'M F. COAN.

Subscribed and sworn to before me and in my presence, by said W'm F. Coan, this 13th day of April, A. D. 1869.

Witness my hand and notarial seal by me affixed the day and year above mentioned.

[SEAL.]

F. P. WILCOX,
Notary Public.

And afterwards, to wit, on the 15th day of April, 1869, was filed in the office of the clerk of the district court of Clinton County, Iowa, a stipulation in words & figures following, to wit:

It is hereby stipulated and agreed that the foregoing answer may stand & be taken as the answer to the amended petition filed in said cause, and that the said defendants shall not be hereby stopped or foreclosed from insisting that the matter stated in paragraph six, of said amended petition, do not constitute or help constitute facts sufficient to constitute a cause of action.

D. GRAY,
Attorney for Plaintiff.
WALTER I. HAYES,
Attorney for Defendants.

SEPT. 7TH, 1869.

And afterwards, to wit, June 7th, 1869, was filed in the office of the clerk of the district court of Clinton County, Iowa, an amended petition in words and figures following, to wit:

Amended petition in equity.

STATE OF IOWA, *Clinton County, ss:*

District court.

EUNICE N. GRAY, PLAINTIFF,
vs.
W'M F. COAN, WALTER I. HAYES, PATRICK Judge, Cornelius Shay, Patrick Haley, Owen Melvin, W'm Rogan, Timothy Haley, Patrick Riley, & Anthony Rowan, defendants.

To the judge of the district court in and for the county of Clinton, and State of Iowa, sitting in equity:

1st. Your petitioner, the plaintiff above named, respectfully represents unto this honorable court, that said plaintiff owns in fee-simple, the following lots and blocks situated in Arnold & Young's addition to South Clinton, in the town of Clinton, & county of Clinton, and State of Iowa, that is to say, lots number 1, 2, 3, 4, 5, 6, 7, 8, 9, 21, 22, 25, 26, 27, 28, 29, & 30, in block 4; and lots 1, 2, 16, 21, & 22, in block 5; and lots 1, 2, 5, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, & 24, in block 6; and lots 16 & 17, in block 7, and that said plaintiff so owned said lots at the several times said lots were sold for taxes as hereinafter set forth.

2nd. Your petitioner further says that said lots were sold for taxes by the treasurer of said county of Clinton, on the 6th day of October, 1862; and that said lots sixteen, in block seven; and said lots 3, 4, 5, 6, 7, 8, 25, 26, 27, 28, 29, & 30, in block four, and said lots 2, 16, 21, & 22, in block five; and said lots 1, 2, 5, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, in block 6, were again sold by said treasurer of said county of Clinton for taxes accruing subsequent to said

tax sales of the said 6th of October, 1862, as aforesaid, that is to say, said subsequent sales of said lots were made by said treasurer on the 2nd day of November, 1863, for the taxes of 1862, then due thereon; and that said lots 21 & 22, in block 5, were again sold for taxes, on the 3rd day of October, 1864; and said lots 1, 2, 16, 21, & 22, in block 5, were again sold for taxes by said treasurer of Clinton County, on the 3rd day of October, 1864, for the taxes of 1863; and that lots 1 & 2, in block 5, were again sold for the taxes of on the day of , as aforesaid.

3rd. Your petitioner further says that, on the 29th day of September, 1864, your petitioner duly redeemed the aforesaid lots & blocks from all taxes which were then due upon said lots and blocks, and from all tax sales for the same, and paid the proper amount due thereon to the clerk of said district court and board of supervisors of said county of Clinton, who gave your petitioner the proper certificates therefor,
52 copies of which are hereto attached, marked A, B, C, & D; and that, on the 25th day of September, 1865, your said petitioner again duly rede'med the following lots & b'ocks from all taxes then due thereon, and for all tax sales for the same, by paying the proper amount due thereon to said clerk as aforesaid, the certificates of which are hereto attached, marcked E & F, that is to say, said lots 1, 2, 16, 21, & 22, in block 5; and said lots 21 & 22 in block 4; and that lots 1 & 2, in block 5, were again redeemed on the day of , as appears by certificates hereto attached, marked G & H, to all of which said certificates reference is made as a part of this petition; and that said several redemptions were made for the use and benefit of the said petitioner; and that all taxes have been duly paid by said petitioner on said lots since said sales of said 6th day of Oct., 1862.

4th. Your petitioner further says that your petitioner is informed that, in the month of May, 1866, the said defendant W'm F. Coan, in some manner unknown to your petitioner, obtained tax-sale deeds for said lots & blocks above described from the said treasurer of Clinton County, and caused the same to be recorded in the recorder's office of said county of Clinton, copies of which are hereto attached, marked J, K, L, M, N, O, P, and that reference is made to said copy deeds as a part of this petition; and that said several deeds were so made
53 and executed as aforesaid after said lots and blocks had been redeemed by your petitioner as aforesaid.

5th. Your petitioner further says that, at the time of said several sales of said lots for taxes so made as aforesaid, said treasurer did not offer said lots for sale for the smallest portion of the same for the taxes due thereon, but that said lots were so sold by said treasurer as aforesaid, and purchased or bid off by said Coan in entirety, and that several of said lots were sold together for the amount of taxes due thereon, and which appears on the face of said deeds, copies of which are hereto attached as aforesaid, and which are referred to as a part of this petition as aforesaid; and that said deeds are null and void, and a cloud on your petitioner's title to said lots, and which is a serious injury to your petitioner, and contrary to equity; and that said Coan has conveyed one or more of said lots to the other defendants herein named.

6th. Your petitioner further says that the board of supervisors of said county of Clinton made no order or direction to the clerk of said board upon the tax list with the warrant thereto attached, or otherwise, and gave no direction to said clerk to issue any warrant under his hand and seal of office of said board requiring the treasurer of said county to collect the taxes hereinbefore mentioned; and that said tax sales

54 were made as aforesaid, without any such order or direction as required by the code of Iowa, and is therefore null and void.

7th. Your petitioner further prays that the said W'm F. Coan, Walter I. Hayes, and the other of said defendants, may be ordered, adjudged, and decreed to produce their said deeds before this court, that the same may be decreed to be null and void, and cancelled of record; and that said defendants be restrained from asserting any right or title under the same; and that your petitioner may recover the costs of this proceeding, and have such other and further relief as the nature of the case requires and shall be agreeable to equity.

D. GRAY,
Plaintiff's Attorney.

STATE OF IOWA, *Clinton County, ss:*

I, Daniel Gray, being duly sworn, say that I am the attorney and agent of Eunice N. Gray, the plaintiff in the foregoing petition, and that I am better acquainted with the statements set forth in said petition than said plaintiff is; and that I have read over the foregoing petition, and know the statements thereof, and that the same are true, as this affiant verily believes.

D. GRAY.

Subscribed & sworn to before me & in my presence, by the said Daniel Gray this day of , 1869.
(Signed)

55 *Copy certificates of redemption.*

"A."

OFFICE OF THE CLERK OF THE BOARD OF SUPERVISORS.
De Witt, Iowa, Sept. 29th, 1864.

This is to certify that Eunice N. Gray has this day redeemed the real property hereinafter described by payment of one $\frac{42}{100}$ dollars, as below specified, said property having been sold by the treasurer of said county, for the tax of A. D. 1858 & 1859, on the 7th day of October, A. D. 1861.

Description of property: Arnold & Young's addition to Clinton City, lots 21 & 22, block 4.

Amount sold for	68
Certificate of sale	25
Thirty p'r cent	20
Int. *a* 10 p'r cent	24
Stamp	05
	$1 42

Witness my hand and the seal of the board of supervisors of Clinton County, Iowa, by me affixed.

W'M FAMILTON, *Clerk.*

[U. S. stamp, 5 cents.]

Countersigned Sept. 29th, 1864.

H. ANTHONY, *Treas.*

"B."

OFFICE OF THE CLERK OF THE BOARD OF SUPERVISORS,
De Witt, Iowa, Sept. 29th, 1864.

This is to certify that Eunice N. Gray has this day redeemed the real property hereinafter described by payment of two $\frac{29}{100}$ dollars, as below specified, said property having been sold by the treasurer of said county, for the tax of A. D. 1862, on the second day of November, A. D. 1863.

56 Description of property: Arnold & Young's addition to Clinton City, lots 2, 16, 21, 22, & 26, block 5.

Amount sold for	1 41
Certificate of sale	25
Thirty per cent	42
Int. *a* 10 p'r cent	16
Stamp	05
	$2 29

Witness my hand with the seal of the board of supervisors of Clinton County, Iowa, by me affixed.

W'M FAMILTON, *Clerk.*

[U. S. stamp, 5 cents.]

Countersigned Sept. 29, '64.

H. ANTHONY, *Treas.*

"C."

OFFICE OF THE CLERK OF THE BOARD OF SUPERVISORS,
De Witt, Iowa, Sept. 29th, 1864.

This is to certify that Eunice N. Gray has this day redeemed the real property hereinafter described by payment of seven $\frac{82}{100}$ dollars, as below specified, said property having been sold by the treasurer of said county, for the tax of A. D. 1862, on the 2nd day of Nov., A. D. 1863.

Description of property: Arnold & Young's addition to Clinton, lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, & 24, block 6.

Amount sold for	5 38
Certificate of sale	25
Thirty per cent	1 58
Int. *a* 10 per cent	66
Stamp	05
	$7 82

Witness my hand and the seal of the board of supervisors for Clinton County, Iowa, by me affixed.

W'M FAMILTON, *Clerk.*

[U. S. stamp, 5 cents.]

Countersigned Sept. 29, '64.

H. ANTHONY, *Treas.*

"C."

OFFICE OF THE CLERK OF THE BOARD OF SUPERVISORS,
De Witt, Iowa, Sept. 29th, 1864.

57 This is to certify that Eunice N. Gray has this day redeemed the real property hereinafter described by payment of two $\frac{23}{100}$ dollars, as below specified, said property having been sold by the treasurer of said county, for the tax of A. D. 1862, on the 2nd day of November, A. D. 1863.

Description of property: Arnold & Young's addition to Clinton, lots 25, 26, 27, 28, 29, & 30, block 4.

Amount sold for	1 43
Certificate of sale	25
Thirty p'r cent	44
Int. *a* 10 p'r cent	16
Stamp	05
	$2 23

Witness my hand and the seal of the board of supervisors for Clinton County, Iowa, by me affixed.

W'M FAMILTON, *Clerk.*

[U. S. stamp, 5 cents.]

Countersigned Sept. 29th, 1864.

H. ANTHONY, *Treas.*

"C."

OFFICE OF THE CLERK OF THE BOARD OF SUPERVISORS,
De Witt, Iowa, Sept. 29th, 1864.

This is to certify that Eunice N. Gray has this day redeemed the real property hereinafter described by payment of two $\frac{07}{100}$ dollars, as below specified, said property having been sold by the treasurer of said county, for the tax of A. D. 1862, on the 2nd day of Nov., A. D. 1863.

Description of property: Arnold & Young's addition to Clinton, lots 3, 4, 5, 6, 7, & 8, block 4.

Amount sold for	1 43
Certificate of sale	25
Thirty p'r cent	37
Int. *a* 10 p'r cent	10
Stamp	05
	$2 07

58 Witness my hand and the seal of the board of supervisors for Clinton County, Iowa, by me affixed.

W'M FAMILTON, *Clerk.*

[U. S. stamp, 5 cents.]

Countersigned Sept. 29th, 1864.

H. ANTHONY, *Treas.*

"D."

OFFICE OF THE CLERK OF THE BOARD OF SUPERVISORS,
De Witt, Iowa, Sept. 29th, 1864.

This is to certify that Eunice N. Gray has this day redeemed the real property hereinafter described by the payment of sixty-four cents, as below specified, said property having been sold by the treasurer of said county, for the tax of A. D. 1862, on the 2nd day of Nov., A. D. 1863.

Description of property: Arnold & Young's addition to Clinton, lot 16, block 7.

Amount sold for	24
Certificate of sale	25
Thirty per cent	07
Int. *a* 10 per cent	03
Stamp	05
	64

Witness my hand and the seal of the board of supervisors of Clinton County, Iow', by me affixed.

W'M FAMILTON, *Clerk.*

[U. S. 5-cent stamp.]

Countersigned Sept. 29th, 1864.

H. ANTHONY, *Treas.*

"E."

OFFICE OF THE CLERK OF THE BOARD OF SUPERVISORS,
De Witt, Iowa, Sept. 25th, 1865.

This is to certify that Eunice N. Gray has this day redeemed the real property hereinafter described by payment of four $\frac{44}{100}$ dollars, as below specified, said property having been sold by the treasurer of said
59 county for the tax of A. D. 1863, on the 3rd day of Oct., A. D. 1864, for tax paid for 1864.

Description of property: Arnold & Young's addition to Clinton, lots 1, 2, 16, 21, & 22, block 5.

Amount sold for	2 48
Certificate of sale	55
" " red'	30
Thirty per cent	82
Int. *a* 10 per cent	29
	$4 44

Witness my hand and the seal of the board of supervisors of Clinton County, Iowa, by me affixed.

W'M FAMILTON, *Clerk.*

[U. S. stamp, 5 cents.]

Countersigned Sept. 25th, 1865.

H. ANTHONY, *Treas.*

"F."

OFFICE OF THE CLERK OF THE BOARD OF SUPERVISORS,
De Witt, Iowa, Sept. 25th, 1865.

This is to certify that Eunice N. Gray has this day redeemed the real property hereinafter described by the payment of two $\frac{10}{100}$ dollars, as below specified, said property having been sold by the treasurer of said county for the tax of A. D. 1860, on the 3rd day of Oct., A. D. 1864.

Description of property: Arnold & Young's addition to South Clinton, lots 21 & 22, block 4.

Amount sold for	88
Certificate of sale	55
" " red'	30
Thirty p'r cent	26
Int. *a* 10 p'r cent	11
	$2 10

Witness my hand and the seal of the board of supervisors for Clinton County, Iowa, by me affixed.

W'M FAMILTON, *Clerk.*

[U. S. stamp, 5 cents.]

Countersigned Sept. 25th, 1865.

H. ANTHONY, *Treas.*

No. 107.] "G."

Certificate of redemption.

DE WITT, IOWA, *March 15th*, 1869.

60 This is to certify that Eunice N. Gray has this day redeemed the real property hereinafter described by payment of two $\frac{77}{100}$ dollars, as below specified, said property having been sold by the treasurer of Clinton County, Iowa, for the tax of A. D. 1865, on the 1st day of Oct., A. D. 1866, and subsequent taxes having been paid as specified below. Record, page 55, No. 3.

Description of property: Arnold & Young's addition to S. Clinton, lot 1 & 2, block 5.

Amount sold for taxes of 1865	71
Thirty per cent	21
Interest *a* 10 per cent	26
Taxes of 1867	90
Thirty per cent	27
Interest *a* 10 per cent	12
Redemption certificate	25
U. S. revenue stamp	05
	$2 77

Witness my hand and the seal of the county of Clinton, Iowa, by me affixed.

R. W. WHEELER,
County Judge & Ex-officio County Auditor.

[U. S. stamp, 5 cents.]

Countersigned 15th March, A. D. 1869.

R. WILLIAMS, *Treasurer.*

"H."

No. 108.] *Certificate of redemption.*

DE WITT, IOWA, *March 15th*, 1869.

This is to certify that Eunice N. Gray has this day redeemed the real property hereinafter described by payment of two and $\frac{27}{100}$ dollars, as below specified, said property having been sold by the treasurer of Clinton County, Iowa, for the tax of A. D. 1867, on the 5th day of
61 October, A. D. 1868, and subsequent taxes having been paid as specified below. Record, page 110, No. 3.

Des. of property: Arnold & Young's addition to South Clinton, lot 1, block 5.

Amount sold for tax "1867"	1 45
Thirty p'r cent	43
Int. *a* 10 p'r cent	09
Redemption certificate	25
U. S. revenue stamp	05
	$2 27

Witness my hand and the seal of the county of Clinton, Iowa, by me affixed.

R. W. WHEELER,
County Judge & Ex-officio County Auditor.

[U. S. stamp, 5 cents.]

Countersigned March 15th, 1869.

R. WILLIAMS, *Treasurer.*

Copy deeds.

"I."

Know all men by these presents that, whereas the following-described real property, viz.: Lot number sixteen, (16,) block five, (5,) in Arnold & Young's addition to South Clinton; lot number nine, (9,) in block six, (6,) in Arnold & Young's addition to South Clinton; lot number ten, (10,) in block six, (6,) in Arnold & Young's addition to South Clinton; lot number fifteen, (15,) in block six, (6,) in Arnold & Young's addition to South Clinton; lot number one, (1,) in block six, (6,) in Arnold & Young's addition to South Clinton; lot number two, (2,) in block six, (6,) in Arnold & Young's addition to South Clinton; lot number five, (5,) in block six, (6,) in Arnold & Young's addition to South Clinton; lot number six, (6,) in block six, (6,) in Arnold & Young's addition to South Clinton, situated in the county of Clinton, and State of Iowa,
62 was subject to taxation for the years A. D. 1858, 1859, 1860, & 1861; and whereas the taxes assessed upon said real property, for the years aforesaid, remained due and unpaid at the date of the sale hereinafter named; and whereas the treasurer of the said county did, on the 6th day of October, A. D. 1862, by virtue of the authority in him vested by law, at the sale begun and publicly held on the first Monday

of Oct., A. D. 1862, expose to public sale at the court-house, in the county aforesaid, in substantial conformity with all the requisitions of the statute in such case made and provided, the real property above-described for the payment of the taxes, interest, and costs then due and remaining unpaid on said property; and whereas, at the time and place aforesaid W'm F. Coan, of the county of Clinton, and State of Iowa, having offered to pay the sum of 4 dollars and 90 cents, being the whole amount of taxes, interest, & costs then due and remaining unpaid on said property, for the whole of said property, to wit: Lot number sixteen, (16,) in block five, (5,) in Arnold & Young's addition to South Clinton, for the sum of 39 cents; lot number nine, (9,) in block six, (6,) in Arnold & Young's addition to South Clinton, for the sum of 76 cents; lot number ten, (10,) in block six, (6,) in Arnold & Young's addition to South Clinton, for the sum of 75 cents; lot number fifteen, (15,) in block six, (6,) in Arnold & Young's addition to South Clinton, for the sum of 75
63 cents; lot number one, (1,) in block six, (6,) in Arnold & Young's addition to South Clinton, for the sum of 75 cents; lot number two, (2,) in block six, (6,) in Arnold & Young's addition to South Clinton, for the sum of 75 cents; lot number five, (5,) in block six, (6,) in Arnold & Young's addition to South Clinton, for the sum of 75 cents; lot number six, (6,) in block six, (6,) in Arnold & Young's addition to South Clinton, for the sum of 75 cents, which was the least bid for; and payment of said sum having been made by him to the said treasurer the said property was struck off to him at that price; and whereas three years have elapsed since the date of said sale, and the said property has not been redeemed therefrom as provided by law:

Now, therefore, I, Robert Williams, treasurer of the county aforesaid, for and in consideration of the said sum to the treasurer paid as aforesaid, and by virtue of the statute in such case made & provided, have granted, bargained, and sold, and by these presents do grant, bargain, and sell unto the said W'm F. Coan, his heirs and assigns, the real property last hereinbefore described: To have and to hold unto him, the said W'm F. Coan, his heirs and assigns, forever, subject, however, to all the rights of redemption provided by law.

In witness whereof I, Robert Williams, treasurer as aforesaid, by virtue of the authority aforesaid, have hereunto subscribed my name on this 21st day of May, 1866.

R. WILLIAMS, *Treas.*

[U. S. Gov. stamp, 50 cents.]

64 STATE OF IOWA, *Clinton County, ss:*

I hereby certify that, before me, a notary public in and for said county, personally appeared the above-named Robert Williams, treasurer of said county, personally known to me to be the treasurer of said county at the date of the execution of the above conveyance, and to be the identical person whose name is affixed to and who executed the above conveyance as treasurer of said county, and who acknowledged the execution of the same to be his voluntary act & deed as treasurer of said county, for the purposes therein expressed.

Given under my hand and seal this 24th day of May, A. D. 1866.

[SEAL.] D. WHITNEY,
Notary Public.

Filed May 24th, 1866, at 6. p. m.

STATE OF IOWA, *Clinton County, ss:*

I, I. D. Fagan, recorder of Clinton County, do hereby certify that the foregoing is a true, correct, and complete copy of a taxd eed, recorded in book H of town lots, page 109, Clinton County records. As witness my hand at De Witt, this 16th day of January, A. D. 1868.

I. D. FAGAN, *Recorder.*

[U. S. 5-cent stamp.]

"K."

Know all men by these presents that, whereas the following-described real property, viz: Lot number sixteen, (16,) in block seven, (7,) in Arnold & Young's addition to South Clinton; lot number seventeen, (17,)
65 in block seven, (7,) in Arnold & Young's addition to South Clinton; lot number twenty. (20,) in block seven, (7,) in Arnold & Young's addition to South Clinton; lot number twenty-one, (21,) in block seven, (7,) in Arnold & Young's addition to South Clinton; lot number twenty-two, (22,) in block seven, (7,) in Arnold & Young's addition to South Clinton; lot number twenty-three, (23,) in block seven, (7,) in Arnold & Young's addition to South Clinton; lot number twenty-four, (24,) in block seven, (7,) in Arnold & Young's addition to South Clinton, situated in the county of Clinton, and State of Iowa, was subject to taxation for the years A. D. 1858, 1859, 1860, & 1861; and whereas the taxes assessed upon said real property for the years aforesaid remained due and unpaid at the date of the sale hereinafter named; and whereas the treasurer of the said county did, on the 6th day of October, A. D. 1862, by virtue of the authority in him vested by law, at the sale begun and publicly held on the first Monday of October, A. D. 1862, expose to public sale at the court-house, in the county aforesaid, in substantial conformity with all the requisitions of the statute in such case made and provided, the real property above described, for the payment of the taxes, interest, and costs then due and remaining unpaid on said property; and whereas, at the time and place aforesaid, W'm F. Coan, of the county of Clinton, and State of Iowa, having
66 offered to pay the sum of five dollars and seven cents, being the whole amount of taxes, interest, and costs, then due and remaining unpaid on said property, for the whole of said property, to wit: Lot number sixteen, (16,) in block seven, (7,) in Arnold & Young's addition to South Clinton, for the sum of 73 cents; lot number seventeen, (17,) in block seven, (7,) in Arnold & Young's addition to South Clinton, for the sum of 73 cents; lot number twenty, (20,) in block seven, (7,) in Arnold & Young's addition to South Clinton, for the sum of 73 cents; lot number twenty-one, (21,) in block seven, (7,) in Arnold & Young's addition to South Clinton, for the sum of 72 cents; lot number twenty-two, (22,) in block seven, (7,) in Arnold & Young's addition to South Clinton, for the sum of 72 cents; lot number twenty-three, (23,) in block seven, (7,) in Arnold & Young's addition to South Clinton, for the sum of 73 cents; lot number twenty-four, (24,) in block seven, (7,) in Arnold & Young's addition to South Clinton, for the sum of 71 cents; which was the least quantity bid for; and payment of said sum having been by him made to the said treasurer. the said property was stricken off to him at that price; and whereas three years have elapsed since the date of said sale, and the said property has not been redeemed therefrom as provided for by law: Now, therefore, I, Robert Williams, treasurer of the county aforesaid, for and in consideration of the said sum, to
67 the treasurer paid as aforesaid, and by virtue of the statute in

such case made and provided, have granted, bargained, and sold, and by these presents do grant, bargain, and sell, unto the said W'm F. Coan, his heirs and assigns, the real property last hereinbefore described: To have and to hold unto him, the said W'm F. Coan, his heirs and assigns, forever, subject, however, to all rights of redemption provided by law.

In witness whereof I, Robert Williams, treasurer as aforesaid, by virtue of the authority aforesaid, have hereunto subscribed my name on this 24th day of May, 1866.

R. WILLIAMS, *Treas.*

[Gov. stamp, 50 cents.]

STATE OF IOWA, *Clinton County, ss:*

I hereby certify that, before me, a notary public in and for said county, personally appeared the above-named Robert Williams, treasurer of said county, personally known to me to be the treasurer of said county at the date of the execution of the above conveyance, and to be the identical person whose name is affixed to & who executed the above conveyance as treasurer of said county, and who acknowledged the execution of the same to be his voluntary act and deed as treasurer of said county, for the purposes therein expressed.

Given under my hand and seal this 24th day of May, A. D. 1866.

[NOTARIAL SEAL.] D. WHITNEY,
Notary Public.

Filed May 24th, 1866, a' 9 a. m.

68 STATE OF IOWA, *Clinton County, ss:*

I, I. D. Fagan, recorder of said county, do hereby certify that the foregoing is a true, correct, and complete copy of a tax deed, recorded in book H, of town lots, page 111, Clinton County records. As witness my hand at DeWitt, this 16th day of January, 1868.

I. D. FAGAN, *Recorder.*

[U. S. 5-cent stamp.]

"L"

Know all men by these presents that, whereas the following-described real property, viz: Lot number one, (1,) in block four, (4,) in Arnold & Young's addition to South Clinton; lot number two, (2,) in block four, (4,) in same addition last above named; lot number three, (3,) in block four, (4,) in same addition; lot number four, (4,) in block four, (4,) in same addition; lot number five, (5,) in block four, (4,) in same addition; lot number six, (6,) in block four, (4,) in same addition; lot number seven, (7,) in block four, (4,) in same addition; lot number eight (8,) in block four, (4,) in same addition, (all of the above lots are Arnold & Young's addition to South Clinton,) situated in the county of Clinton, and State of Iowa, was subject to taxation for the years A. D. 1858, 1859, 1860, & 1861; and whereas the taxes assessed upon said real property for
69 the years aforesaid, remained due and unpaid at the date of the sale hereinafter named; and whereas the treasurer of the said county did, on the 6th day of Oct. A. D. 1862, by virtue of the authority in him vested by law, at the sale begun and publicly held on the first Monday of October, A. D. 1862, expose to public sale at the court-house, in and for the county aforesaid, in substantial conformity with all the requisitions of the statute in such case made & provided, the

real property above described for the payment of the taxes, interest, & costs then due and remaining unpaid on said property; and whereas at the time & place aforesaid, W'm. F. Coan, of the county of Clinton, & State of Iowa, having offered to pay the sum of five dollars and thirty-six cents, being the whole amount of taxes, interest and costs then due and remaining unpaid on said property, for the whole of said property to wit: Lot number one, (1,) in block four, (4,) in Arnold & Young's addition to South Clinton, for the sum of 45 cents; lot number two, (2,) in block four, (4,) in Arnold & Youngs addition to South Clinton, for the sum of 45 cents; lot number three, (3,) in block four, (4,) in Arnold & Young's addition to South Clinton for the sum of 75 cents; lot number four, (4,) in block four, (4,) in Arnold & Young's addition to South Clinton, for the sum of 75 cents; lot number five, (5,) in block four, (4,) in Arnold & Young's addition to South Clinton,
70 for the sum of 74 cents; lot number six, (6,) in block four, (4,) in Arnold & Young's addition to South Clinton, for the sum of 74 cents; lot number seven, (7,) in block four, (4,) in Arnold & Young's addition to South Clinton, for the sum of 74 cents; lot number eight, (8,) in block four, (4,) in Arnold & Young's addition to South Clinton, for the sum of 74 cents, which was the least quantity bid for; and payment of said sum having been by him made to the said treasurer, the said property was stricken off to him at that price; and whereas three years have elapsed since the date of said sale, & the said property has not been redeemed therefrom as provided for by law: Now, therefor', I, Robert Williams, treasurer of the county aforesaid, for and in consideration of the same to the treasurer paid as aforesaid, and by virtue of the statute in such case made and provided, have granted, bargained, and sold, & by these presents do grant, bargain, and sell unto said W'm F. Coan, his heirs and assigns, the real property last hereinbefore described: To have and to hold unto him, the said W'm. F. Coan, his heirs and assigns, forever, subject however to all the rights of redemption provided by law.

In witness whereof I, Robert Williams, treasurer as aforesaid, by virtue of the authority aforesaid, have hereunto subscribed my name on the 19th day of May, 1866.

R. WILLIAMS,
Treasurer.

[U. S. stamp, 50 cents.]

71 STATE OF IOWA, *Clinton County, ss:*

I hereby certify that, before me, a notary public in and for said county, personally appeared the above-named Robert Williams, treasurer of said county, personally known to me to be the treasurer of said county at the date of the execution of the above conveyance, and to be the identical person whose name is affixed to and who executed the above conveyance as treasurer of said county, and who acknowledged the execution of the same to be his voluntary act and deed as treasurer of said county, for the purposes therein expressed.

Given under my hand and seal this 19th day of May, A. D. 1866.

D. WHITNEY, *Notary Public.*

Filed May 19th, 1866, at 1 p. m.

STATE OF IOWA, *Clinton County, ss:*

I, I. D. Fagan, recorder of said county, do hereby certify that the fore-

going is a true, correct, and complete copy of a tax deed recorded in book H of town lots, page 92, Clinton County records. As witness my hand at DeWitt, this 16th day of January, A. D. 1868.

I. D. RAGAN, *Recorder.*

[U. S. 5 cent stamp.]

"M."

Know all men by these presents that, whereas the following-described real property, viz: Lot number one, (1,) in block five, (5,) in Arnold & Young's addition to South Clinton; lot number two, (2,) in block
72 five, (5,) in Arnold & Young's addition to South Clinton; lot number three, (3,) in block five, (5,) in Arnold & Young's addition to South Clinton; lot number four, (4,) in block five, (5,) in Arnold & Young's addition to South Clinton; lot number twenty-one, (21,) in block five, (5,) in Arnold & Young's addition to South Clinton; lot number twenty-two, (22,) in block five, (5,) in Arnold & Young's addition to South Clinton; lot number twenty-six, (26,) in block five, (5,) in Arnold & Young's addition to South Clinton, situated in the county of Clinton, and State of Iowa, was subject to taxation for the years A. D. 1858, 1859, 1860, & 1861, and whereas the taxes assessed upon said real property for the years aforesaid, remained due and unpaid at the date of the sale hereinafter named; and whereas the treasurer of the said county did, on the 6th day of October, A. D. 1862, by virtue of the authority in him vested by law, at the sale begun and publicly held on the first Monday of October, A. D. 1862, expose to public sale at the court-house, in the county aforesaid, in substantial conformity with all the requisitions of the statute in such case made and provided, the real property above-described, for the payment of the taxes, interests, and costs then due and remaining unpaid on said property; & whereas, at the time & place aforesaid, W'm F. Coan of the county of Clinton, & State of Iowa,
73 having offered to pay the sum of five dollars and twenty-two cents, being the whole amount of taxes, interest, & costs then due and remaining unpaid on said property for the whole of said property, to wit: Lot number one, (1,) in block five, (5,) in Arnold & Young's addition to South Clinton, for the sum of 78 cents; lot number two, (2,) in block five, (5,) in Arnold & Young's addition to South Clinton, for the sum of 79 cents; lot number three, (3,) in block five, (5,) in Arnold & Young's addition to South Clinton, for the sum of 68 cents; lot number four, (4,) in block five, (5,) in Arnold & Young's addition to South Clinton, for the sum of 68 cents; lot number twenty-one, (21,) in block five, (5,) in Arnold & Young's addition to South Clinton, for the sum of 77 cents; lot number twenty-two, (22,) in block five, (5,) in Arnold & Young's addition to South Clinton, for the sum of 76 cents; lot number twenty-six, (26,) in block five, (5,) in Arnold & Young's addition to South Clinton, for the sum of 76 cents, which was the least quantity bid for; and payment of said sum having been by him made to the said treasurer, the said property was stricken off to him at that price; and whereas three years have elapsed since the date of said sale and the said property has not been redeemed therefrom as provided for by law: Now, therefore, I, Robert Williams, treasurer of the county aforesaid, for and in considera-
74 tion of the said sum to the treasurer paid as aforesaid, and by virtue of the statute in such case made and provided, have granted, bargained, and sold, and by these presents do grant, bargain, and sell, unto the said W'm F. Coan, his heirs and assigns, the real property last

hereinbefore described: To have and to hold unto him, the said W'm F. Coan, his heirs and assigns, forever, subject, however, to all the rights of redemption provided by law.

In witness whereof I, Robert Williams, treasurer as aforesaid, by virtue of the authority aforesaid, have hereunto subscribed my name on this 19th day of May, 1866.

R. WILLIAMS, *Treasurer.*

[Gov. stamp 50 cents.]

STATE OF IOWA, *Clinton County, ss:*

I hereby certify that, before me, a notary public in and for said county, personally appeared the above-named Robert Williams, treasurer of said county, personally known to me to be the treasurer of said county at the date of the execution of the above conveyance, and to be the identical person whose name is affixed to and who executed the above conveyance as treasurer of said county, and who acknowledged the execution of the same to be his voluntary act & deed as treasurer of said county, for the purposes therein expressed.

75 Given under may hand and seal this 19th day of May, A. D. 1866.

D. WHITNEY, *Notary Public.*

Filed May 19th, 1866, at 1 p. m.

STATE OF IOWA, *Clinton County, ss:*

I, I. D. Fagan, recorder of said county, do hereby certify that the foregoing copy of tax deed is a true, correct, and complete copy of the tax deed recorded in Book H of town lots, page 91. As witness my hand this 16th day of January, A. D. 1868.

I. D. FAGAN,
Recorder.

[U. S. 5-cent stamp.]

"N."

Know all men by these presents that, whereas the following described real property, to wit: Lot number twenty-five, (25,) in block four, (4,) in Arnold & Young's addition to South Clinton; lot number twenty-six, (26,) in block four, (4,) in Arnold & Young's addition to South Clinton; lot number twenty-seven, (27,) in block four, (4,) in Arnold & Young's addition to South Clinton; lot number twenty-eight, (28,) in block four, (4,) in Arnold & Young's addition to South Clinton; lot number twenty-nine, (29,) in block four, (4,) in Arnold & Young's addition to South Clinton; lot number thirty, (30,) in block four, (4,) in Arnold & Young's addition to South Clinton, situated in the county of Clinton, and State of Iowa, was subject to taxation for the years A. D. 1858, 1859, 1860, & 1861; & whereas the taxes assessed upon said real

76 property for the years aforesaid, remained due and unpaid at the date of the sale hereinafter named; and whereas the treasurer of the said county did, on the 6th day of October, A. D. 1862, by virtue of the authority in him vested by law, at the sale begun and publicly held on the first Monday of October, A. D. 1862, expose to public sale at the court-house, in the county aforesaid, in substantial conformity with all the requisitions of the statute in such case made and provided, the real property above described, for the payment of the taxes, interest, & costs then due and remaining unpaid on said prop-

erty; and whereas at the time & place aforesaid, W'm F. Coan, of the county of Clinton, & State of Iowa, having offered to pay the sum of four dollars and seventy cents, being the whole amount of taxes, interest, & costs then due & remaining unpaid on said property, for the whole of said property, to wit: Lot number twenty-five, (25,) in block four, (4,) in Arnold & Young's addition to South Clinton, for the sum of 79 cents; lot number twenty-six, (26,) in block four, (4,) in Arnold & Young's addition to South Clinton, for the sum of 79 cents; lot number twenty-seven, (27,) in block four, (4,) in Arnold & Young's addition to South Clinton, for the sum of 78 cents; lot number twenty-eight, (28,) in block four, (4,) in Arnold & Young's addition to South Clinton, for the sum of 78 cents; lot number twenty-nine, (29,) in
77 block four, (4,) in Arnold & Young's addition to South Clinton, for the sum of 78 cents; lot number thirty, (30,) in block four, (4,) in Arnold & Young's addition to South Clinton, for the sum of 78 cents, which was the least quantity bid for; and payment of said sum having been by him made to the said treasurer, the said property was stricken off to him at that price; and whereas 3 years have elapsed since the date of said sale, and the said property has not been redeemed therefrom as provided for by law: Now, therefore, I, Robert Williams, treasurer of the county aforesaid, for and in consideration of the said sum to the treasurer paid as aforesaid, and by virtue of the statute in such case made and provided, have granted, bargained, and sold, and by these presents do grant, bargain and sell unto the said W'm F. Coan, his heirs & assigns, the real property last hereinbefore described: To have and to hold unto him, the said W'm F. Coan, his heirs and assigns, forever, subject, however, to all the rights of redemption provided by law.

In witness whereof I, Robert Williams, treasurer as aforesaid, by virtue of the authority aforesaid, have hereunto subscribed my name, on this 19th day of May, 1866.

R. WILLIAMS,
Treasurer.

[U. S. stamp, 50 cents.]

78 STATE OF IOWA, *Clinton County, ss:*

I hereby certify that, before me, a notary public in and for said county, personally appeared the above-named Robert Williams, treasurer of said county, personally known to me to be the treasurer of said county at the date of the execution of the above conveyance, and to be the identical person whose name is affixed to and who executed the above conveyance as treasurer of said county, and who acknowledged the execution of the same to be his voluntary act and deed as treasurer of said county, for the pu'poses ther'in expressed.

Given under my hand and seal this 19th day of May, A. D. 1866.

D. WHITNEY, *Notary Public.*

Filed May 19th, 1866, at 1 p. m.

STATE OF IOWA, *Clinton County, ss:*

I, I. D. Fagan, recorder of said county, do hereby certify that the foregoing is a true, correct, & complete copy of the tax deed recorded in book H of town lots, page 95, Clinton County records. As witness my hand this 16th day of January, 1868.

I. D. FAGAN, *Recorder.*

"O."

Know all men by these presents that, whereas the following-de-
79 scribed real property, to wit: Lot number seven, (7,) in block number (6,) in Arnold & Young's addition to South Clinton; lot number eight, (8,) in block number six, (6,) in Arnold & Young's addition to South Clinton; lot number thirteen, (13,) in block six, (6,) in Arnold & Young's addition to South Clinton; lot number fourteen, (14,) in block six, (6,) in Arnold & Young's addition to South Clinton; lot number sixteen, (16,) in block six, (6,) in Arnold & Young's addition to South Clinton; lot number seventeen (17,) in block six, (6,) in Arnold & Young's addition to South Clinton; lot number eighteen, (18,) in block six, (6,) in Arnold & Young's addition to South Clinton, situated in the county of Clinton, and State of Iowa, was subject to taxation for the years A. D. 1858, 1859, 1860, & 1861; and whereas the taxes assessed upon said real property, for the years aforesaid, remained due and unpaid at the date of the sale hereinafter mentioned; and whereas the treasurer of said county did, on the 6th day of October, A. D. 1862, by virtue of the authority in him vested by law, at the sale begun and publicly held on the first Monday of October, A. D. 1862, expose to public sale, at the court-house in the county aforesaid, in substantial conformity with all the requisitions of the statute in such case made and provided, the real property above described, for the payment of the taxes, interest, and costs then due and remaining unpaid on said property; and whereas, at the time and place aforesaid, W'm F. Coan,
80 of the county of Clinton, & State of Iowa, having offered to pay the sum of five dollars and twenty-five cents, being the whole amount of taxes, interest, and costs then due and remaining unpaid on said property, for the whole of said property, to wit: Lot number seven, (7,) in block six, (6,) in Arnold & Young's addition to South Clinton, for the sum of 75 cents; lot number eight, (8,) in block six, (6,) in Arnold & Young's addition to South Clinton, for the sum of 75 cents; lot number thirteen, (13,) in block six, (6,) in Arnold & Young's addition to South Clinton, for the sum of 75 cents; lot number fourteen, (14,) in block six, (6,) in Arnold & Young's addition to South Clinton, for the sum of 75 cents; lot number sixteen, (16,) in block six, (6,) in Arnold & Young's addition to South Clinton, for the sum of 75 cents; lot number seventeen, (17,) in block six, (6,) in Arnold & Young's addition to South Clinton, for the sum of 75 cents; lot number eighteen, (18,) in block six, (6,) in Arnold & Young's addition to South Clinton, for the sum of 75 cents, which was the least quantity bid for; and payment of said sum having been made to the said treasurer, the said property was stricken off to him at that price; and whereas 3 years have elapsed since the date of said sale, and the said property has not been redeemed therefrom as provided for by law: Now, therefore, I, Robert Williams, treasurer of the county aforesaid, for and in consideration of the said sum to
81 the treasurer paid as aforesaid, & by virtue of the statute in such case made and provided, have granted, bargained, and sold, and, by these presents, do grant, bargain, and sell unto the said W'm F. Coan, his heirs and assigns, the real property hereinbefore described: To have and to hold unto the said W'm F. Coan, his heirs and assigns, forever, subject, however, to all the rights of redemption provided by law.

In witness whereof I, Robert Williams, treas. as aforesaid, by virtue of the authority aforesaid, have hereunto subscribed my name on this 24th day of May, A. D. 1866.

R. WILLIAMS, *Treasurer.*

[U. S. stamp 50c.]

STATE OF IOWA, *Clinton County, ss:*

I certify that, before me, a notary public in and for said county, personally appeared the above-named Robert Williams, treasurer of said county, personally known to me to be the treasurer of said county at the date of the execution of the above conveyance, and to be the identical person whose name is affixed to and who executed the above conveyance as treasurer of said county, and who acknowledged the execution of the same to be his voluntary act & deed as treasurer of said county, for the purposes therein expressed.

Given under my hand & seal this 24th day of May, A. D. 1866.

D. WHITNEY,
Notary Public.

Filed May 24th, 1866, at 9 a. m.

82 STATE OF IOWA, *Clinton County, ss:*

I, I. D. Fagan, recorder of said county, do hereby certify that the foregoing is a true, correct, & complete copy of a tax deed recorded in book H of town lots, page 107, Clinton County records. As witness my hand at De Witt, this 16th day of January, A. D. 1868.

I. D. FAGAN,
Recorder.

[U. S. 5-cent stamp.]

"P."

Know all men by these presents that, whereas the following-described real property, viz: Lot number nineteen, (19,) in block six, (6,) in Arnold & Young's addition to South Clinton; lot number twenty, (20,) in block six, (6,) in Arnold & Young's addition to South Clinton; lot number twenty-three, (23,) in block six, (6,) in Arnold & Young's addition to South Clinton; lot number twenty-two, (22,) in block six, (6,) in Arnold & Young's addition to South Clinton: lot number twenty-four, (24,) in block six, (6,) in Arnold & Young's addition to South Clinton; lot number twenty-one, (21,) in block six, (6,) in Arnold & Young's addition to South Clinton; lot number fifteen, (15,) in block seven, (7,) in Arnold & Young's addition to South Clinton, situated in the county of Clinton, and State of Iowa, was subject to taxation for the years A. D. 1858, 1859, 1860, & 1861; and whereas the taxes assessed upon said real property for the years aforesaid remained due and unpaid at the
83 date of the sale hereinafter named; & whereas the treasurer of said county did, on the 6th day of October, A. D. 1862, by virtue of the authority in him vested by law, at the sale begun and publicly held on the first Monday of October, A. D. 1862, expose to public sale, at the court-house in the county aforesaid, in substantial conformity with all the requisitions of the statute in such case made & provided, the real property above described, for the payment of the taxes, interest, & costs then due and remaining unpaid on said property; and whereas, at the time and place aforesaid, W'm F. Coan, of the county of Clinton & State of Iowa, having offered to pay the sum of five dollars and twenty-three cents, being the whole amount of taxes, interest, and costs then due and remaining unpaid on said property, for the whole of said property, to wit: Lot number nineteen, (19,) in block six, (6,) in Arnold & Young's addition to South Clinton, for the sum of 75 cents; lot number twenty, (20,) in block six, (6,) in Arnold & Young's addition to South Clinton, for the sum of 75 cents; lot number twenty-

three, (23,) in block six, (6,) in Arnold & Young's addition to South Clinton, for the sum of 75 cents; lot number twenty-two, (22,) in block six, (6,) in Arnold & Young's addition to South Clinton, for the sum of 75 cents; lot number twenty-four, (24,) in block six, (6,) in Arnold & Young's addition to South Clinton, for the sum of 75 cents:
84 lot number twenty-one, (21,) in block six, (6,) in Arnold & Young's addition to South Clinton, for the sum of 75 cents; lot number fifteen, (15,) in block seven, (7,) in Arnold & Young's addition to South Clinton, for the sum of 75 cents, which was the least quantity bid for; and payment of said sum having been made by him to the said treasurer, the said property was stricken off to him at that price; and whereas 3 years have elapsed since the date of said sale, and the said property has not been redeemed therefrom as provided by law: Now, therefore, I, Robert Williams, treasurer of the county aforesaid, for and in consideration of the said sum to the treasurer paid as aforesaid, and by virtue of the statute in such case made and provided, have granted, bargained, and sold, and by these presents do grant, bargain, and sell unto the said W'm F. Coan, his heirs and assigns, the real property last hereinbefore described: To have & to hold unto him, the said W'm F. Coan, his heirs and assigns forever, subject, however, to all the rights of redemption provided by law.

In witness whereof I, Robert Williams, treasurer as aforesaid, by virtue of the authority aforesaid, have hereunto subscribed my name on this 24th day of May, 1866.

R. WILLIAMS,
Treasurer.

[U. S. stamp, 50 cents.]

STATE OF IOWA, *Clinton County, ss:*

I hereby certify that, before me, a notary public in and for
85 said county, personally appeared the above-named Robert Williams, treasurer of said county, personally known to me to be the treasurer of said county at the date of the execution of the above conveyance, to be the identical person whose name is affixed to & who executed the above conveyance, as treasurer of said county, and who acknowledged the execution of the same to be his voluntary act and deed, as treasurer of said county, for the purposes therein expressed.

Given under my hand & seal this 24th day of May, A. D. 1866.

D. WHITNEY,
Notary Public.

Filed May 24th, 1866, at 9 a. m.

STATE OF IOWA, *Clinton County, ss:*

I, I. D. Fagan, recorder of said county, do hereby certify that the foregoing is a true, correct, and complete copy of tax deed recorded in book H of town lots, page 112, Clinton County records. As witness my hand at De Witt, this 16th day of January, 1868.

I. D. FAGAN,
Recorder.

[U. S. 5 cent stamp.]

And afterwards, to wit, on the 7th day of September, 1869, was filed in the office of the clerk of the district court of Clinton County, Iowa, by defendant, an exception to depositions, in words and figures following, to wit:

86 STATE OF IOWA, *Clinton County, ss :*

In district court for said county.

EUNICE N. GRAY, PLAINTIFF,
vs.
W'M F. COAN ET AL., DEFENDANTS.

The said defendants *accept* to the depositions taken in this cause by the said plaintiff for the reasons given at the time the same were taken and which are contained in said depositions.

WALTER I. HAYES,
Attorney for Defendants.

And, afterwards, to wit, September 8th, 1869, was filed in the office of the clerk of the district court of Clinton County, Iowa, a reply in words and figures following, to wit:

Reply to defendant's answer.

STATE OF IOWA, *Clinton County, ss :*

In district court for said county.

EUNICE N. GRAY, PLAINTIFF,
vs.
W'M F. COAN ET AL., DEFENDANTS.

1st. The plaintiff comes and denies each and every allegation set up in the answer of the defendants which sets up any matter or statement except what does not deny statements made in said plaintiff's petition.

2nd. That said plaintiff denies that the said W'm F. Coan, at the time in said petition stated, or in the year 1868, duly obtained tax deeds of the treasurer of Clinton County for said lots upon or by virtue of the tax sale in 1852, or at any other time before the commencement of
87 this suit, or at any other time, or that said Coan caused all of said tax deeds to be duly recorded in the office of the recorder of said county of Clinton or elsewhere, as set forth in paragraph 2 in said defendant's answer.

3rd. The plaintiff further denies that the said defendant W'm F. Coan, or any other person except said plaintiff, is now the owner in fee-simple of all said lots, or that said lots are now owned in fee-simple by said defendant Walter I. Hayes, or such other of said lots as the said defendant W'm F. Coan has conveyed to the other defendants herein stated in said petition or otherwise, or that said lots are being now owned in fee-simple by said defendants, respectively, or otherwise, as they have been conveyed to them or otherwise, as set forth in paragraph 7 of said defendant's answer.

4th. Said plaintiff, further replying, says that said copy's of deeds, as set forth in said plaintiff's petition' are all the tax deeds that have been duly recorded *or duly recorded* by said defendant W'm F. Coan for said lots upon said sale of 1862, or otherwise, as the plaintiff has been informed and believes, which said deeds are null and void as the plaintiff has alleged in the petition of said plaintiff.

D. GRAY,
Plaintiff's Attorney.

STATE OF IOWA, *Clinton County, ss :*

88 I, Daniel Gray, being duly sworn, say that I am the attorney of the said plaintiff in this cause, and am better acquainted with the statements made in the foregoing reply than said plaintiff is; and that I have read over the above reply and that the statements therein made are true, as this deponent verily believes, except those statements made on information and belief, and as to those statements said deponent believes them to be true.

D. GRAY.

Subscribed & sworn to before me & in my presence, by the said Daniel Gray, this 8th day of September, A. D. 1869.

N. B. HOWARD, *Clerk.*

And, afterwards, to wit, on the 8th day of September, 1869, was filed in the office of the clerk of the district court of Clinton County, Iowa, a notice to change venue, in words & figures following, to wit :

Motion to change venue.

District court of Clinton County.

STATE OF IOWA, *Clinton County, ss :*

EUNICE N. GRAY
vs.
W'M F. COAN ET AL.

A motion will be made on the 9th day of Sept., 1869, at 9 o'clock, a. m., or as soon thereafter as counsel can be heard before said district court, to change the venue in this case.

D. GRAY,
Plaintiff's Attorney.

SEPT. 8TH, 1869.

89 And, afterwards, to wit, on the 13th day of September, 1869, was filed in the office of the clerk of the district court of Clinton County, Iowa, two affidavits for change of venue in words & figures following, to wit:

Affidavit to change venue.

District court of Clinton County. Sept. term of 1869.

STATE OF IOWA, *Clinton County, ss :*

EUNICE N. GRAY
vs.
W'M F. COAN ET AL.

STATE OF IOWA, *Clinton County, ss :*

I, Eunice N. Gray, being duly sworn, say that I am the plaintiff in this action and that the Hon. J. Scott Richmond, the district judge in and for said county of Clinton, & State of Iowa, is so prejudiced against the affiant, the said plaintiff in said action, that said plaintiff cannot obtain a fair trial in said action.

EUNICE N. GRAY.

Subscribed & sworn to before me, & in my presence, by the said Eunice N. Gray, this 13th day of Sept. 1869.

C. W. GATTLOB,
Mayor of Clinton City.

Affidavit to change venue.

District court of Clinton County. Sept. term of 1869.

STATE OF IOWA, *Clinton County, ss:*

EUNICE N. GRAY
vs.
W'M F. COAN ET AL.

90 STATE OF IOWA, *Clinton County, ss:*

I, Daniel Gray, being duly sworn, say that I am the attorney & agent of the plaintiff in this action, and, as such, have conducted the proceedings in this action from the beginning thereof to the present time, and that the Hon. J. Scott Richmond, the district judge in and for said county of Clinton & State of Iowa, is so prejudiced against the plaintiff in this action that said plaintiff cannot obtain a fair trial in said action.

D. GRAY.

Subscribed and sworn to before me, & in my presence, by the said Daniel Gray, this 13*rd* day of September, 1869.

N. B. HOWARD, *Clerk D. C.*

And afterwards, to wit, on the 13th day of September, 1869, was filed in the office of the clerk of the district court of Clinton County, Iowa, a motion in words & figures following, to wit:

STATE OF IOWA, *Clinton County, ss:*

In district court for said county.

EUNICE N. GRAY, PLAINTIFF,
vs.
W'M F. COAN ET AL., DEFENDANTS.

The said defendants move the court to strike from the files in this cause the affidavits of Eunice N. Gray and Daniel Gray, filed
91 herein this day, for the reason that said affidavits were not filed at the time or before the time of the motion for a change of venue herein, or by the time in said motion stated as the time for the hearing of said motion, and are not referred to in said motion; and as to the motion of Eunice N. Gray, for the further reason that it is not sworn to before any officer or person by law authorized to take affidavits.

WALTER I. HAYES,
Attorney for Defendants.

SEPT. 13TH, 1869.

And afterwards, to wit, on the 14th day of September, 1869, was filed

in the office of the clerk of the district court of Clinton County, Iowa, a stipulation, in words & figures following, to wit:

Stipulation.

STATE OF IOWA, *Clinton County, ss:*

In district court for said county.

EUNICE N. GRAY, PLAINTIFF,
vs.
W'M F. COAN, WALTER I. HAYES, PATRICK Judge, Cornelius Shay, Patrick Haley, Owin Melvin, W'm Rogan, Timothy Haley, Patrick Riley, & Anthony Rowan, defendants.

It is hereby stipulated and agreed by and between the parties to the above-entitled cause that all of the testimony heretofore taken by the defendants in the following cases in this court, to wit, Eunice N.
92 Gray vs. W'm F. Coan and Walter I. Hayes, being case numbered 2067, and Eunice N. Gray vs. W'm F. Coan, Patrick Judge, and others, being case numbered 2098 on the calendar of said court for March term, 1869, together with the pleadings therein, may be read and used in this case by said defendants, and upon the trial thereof, whether upon the pleadings now on this case or any further or amended pleadings in this cause, with the same force & effect as if the same had been duly taken in this cause and the said pleadings herein made, said plaintiff having and reserving the right to correct any error in said defendant's testimony on file in said cause by giving evidence of said error.

WALTER I. HAYES,
Attorney for Defendant.
D. GRAY,
Plaintiff's Attorney.

And aftewards, to wit, on the 14th day of September, 1869, was filed in the office of the clerk of the district court of Clinton County, Iowa, a statement of costs of change of venue in words and figures following, to wit:

STATE OF IOWA, *Clinton County, ss:*

In district court for said county.

EUNICE N. GRAY, PLAINTIFF,
vs.
W'M F. COAN ET AL., DEFENDANTS.

93 The costs upon the change of venue, ordered in the above-entitled cause, are hereby taxed at the sum of $155 25.

N. B. HOWARD,
Clerk of the District Court in & for said County.

SEPT. 14, 1869.

And afterwards, to wit, on the 28th day of January, 1870, was filed in the office of the clerk of the district court in & for the county of

Cedar & State of Iowa, certificates and copies of records from Clinton County, State of Iowa, in words and figures following, to wit:

STATE OF IOWA, *Clinton County, ss:*

I, Noel B. Howard, clerk of the district court in and for said county, do hereby certify that the papers hereto attached are the original pleadings filed in my office in the cause No. 2488, wherein Eunice N. Gray is plaintiff, and W'm F. Coan et al. are defendants.

Witness Noel B. Howard, clerk of the district court in & for said county, and the seal of said court hereunto affixed, at Clinton City, this 25th day of January, A. D. 1870.

[SEAL.] N. B. HOWARD, *Clerk.*

[U. S. stamp, 5 cents.]

STATE OF IOWA, *Clinton County, ss:*

Be it remembered that heretofore to wit, at a term of the dis-
94 trict court of the State of Iowa, begun and held at De Witt, in and for said county, on the first Monday of Sept., A. D. 1869—present, the Hon. J. Scott Richmond, judge of the seventh judicial district of the State of Iowa, Robert Hogle, sheriff of said county, and Noel B. Howard, clerk of said court—and the following-entitled cause coming on to be heard on the 14th day of September, 1869, and still during said term of said court, the following proceedings were had therein, to wit:

STATE OF IOWA, *Clinton County, ss:*

In district court for said county.

EUNICE N. GRAY *vs.* W'M F. COAN, WALTER I. HAYES, PATRICK Judge, Cornelius Shay, Patrick Haley, W'm Rogan, Owin Melvin, Timothy Haley, Patrick Riley, & Anthony Rowan.	2488.	In equity.

On this 13th day of Sept., A. D. 1869, this cause came on to be heard, and on the motion of the plaintiff, that the court grant a change of venue in the cause, pres't Daniel Gray, esq.. attorney for plaintiff, and Walter I. Hayes, attorney for defendant, and the court having heard the argument of counsel thereon, takes the same under advisement.

95 STATE OF IOWA, *Clinton County, ss:*

In district court in & for said county.

EUNICE N. GRAY *vs.* W'M F. COAN, WALTER I. HAYES, PATRICK Judge, Cornelius Shay, Patrick Haley, Owin Melvin, W'm. Rogan, Timothy Haley, Patrick Riley, & Anthony Rowan.	2488.	In equity.

On this 14th day of Sept., A. D. 1869, this cause came on to be heard, on the motion of the plaintiff, heretofore, on a previous day of this term made, that a change of venue be granted in this cause—present, Daniel

Gray, esq., attorney for plaintiff, & Walter I. Hayes, esq., attorney for defendant—and the court having heard the argument of counsel thereon and being fully advised in the matter, sustains said motion, and orders that the venue of this cause be changed to Cedar County, upon the plaintiff paying the costs incurred by said change, and in accordance with section 2,809 of the revision of 1860, Code of Iowa.

And afterwards, to wit, on the same day came on this cause for further hearing, upon the motion of the plaintiff that the clerk be required to retax the costs in this cause, and also upon the motion of the defendant that the said motion of the plaintiff for an order upon the clerk to retax
96 costs herein be stricken from the files; and the court having heard the argument of counsel upon said motion, and being fully advised in the matter, orders that said motion of the plaintiff for an order upon the clerk to retax the costs herein be stricken from the files, to which said ruling of the court, the plaintiff by her counsel, then and there duly excepted.

STATE OF IOWA, *Clinton County, ss:*

I, Noel B. Howard, clerk of the district court in and for said county, do hereby certify that the above and foregoing is a true and perfect transcript of all the records entries in the above-entitled cause, No. 2488, wherein Eunice N. Gray is plaintiff, and W'm F. Coan et al. is defendant. Witness Noel B. Howard, clerk of the district court in and for said county, and the seal of said county hereunto affixed at the city of Clinton, this 25th day of January, A. D. 1870.

[SEAL.] N. B. HOWARD, *Clerk.*

[U. S. stamp, 5 cents.]

Fee-bill.

EUNICE N. GRAY *vs.* W'M F. COAN ET AL. } 2488.

Clerk's costs:

Filing-fee	1 50
Tree rules, Sept., 1869	75
Forward	$2 25
97 Amount brought forward	$2 25
Taxing costs	50
Transcript to Cedar County	141 70
K. W. Wheeler, commissioner's fees	20 00
Robert Hogle, sheriff's fees	7 75
	$172 20

CREDIT.

By cash of D. Gray, plaintiff's attorney, for transcript & costs.	$145 25
K. W. Wheeler, receipt	10 00
	$155 25
To balance due clerk Clinton County	$17 05

I hereby certify the above fee-bill to be correct.

N. B. HOWARD, *Clerk.*
By A. L. LEVI, *Deputy.*

[U. S. 5-c't stamp.]

98 STATE OF IOWA, *Cedar County, ss:*

Heretofore, to wit, on the 1st day of December, 1869, was filed in the office of the clerk of the district court of said Cedar County , in words and figures following, to wit:

STATE OF IOWA, *Cedar County, ss:*

In district court for said county.

EUNICE N. GRAY, PLAINTIFF,
vs.
W'M F. COAN ET AL., DEFENDANTS.

It is hereby stipulated and agreed that the above-entitled cause shall not be heard or brought on for trial or hearing before Friday, the 10th day of Dec., 1869.

D. GRAY, *Attorney for Plaintiff.*
WALTER I. HAYES, *Attorney for Defendant.*

NOV. 30, '69.

And afterwards, to wit, on the 10th day of December, 1869, was filed in the office of the clerk of the district court of said Cedar County a stipulation, in words & figures following, to wit:

STATE OF IOWA, *Cedar County, ss:*

In district court for said county.

EUNICE N. GRAY, PLAINTIFF,
vs.
W'M F. COAN ET AL., DEFENDANTS.

99 It is hereby stipulated and agreed that the above-entitled cause shall be considered & heard as finally submitted to the court, when the files and papers are filed in the office of the clerk of the district court of Cedar County, and that the same may be argued at any time in vacation, at any time to be fixed by the judge, and that thereafter the court may enter judgement in said case, or decide any motion in relation to costs or otherwise therein as of the December term, 1869, of said court.

D. GRAY, *Plaintiff's Attorney.*
WALTER I. HAYES, *Attorney for Defendants.*

DEC. 9, '69.

And afterwards, to wit, January 28th, 1870, was filed in the office of the clerk of the district court of said Cedar County, a stipulation, in words and figures following, to wit:

STATE OF IOWA, *Cedar County*, ss:

In district court for said county.

EUNICE N. GRAY, PLAINTIFF,
vs.
W'M F. COAN ET AL., DEFENDANTS.

It is hereby stipulated and agreed that the above-entitled cause and all motions therein, including retaxing costs, may be argued before Judge Rothrock in accordance with stipulations heretofore made, on Friday, Jan. 28th, 1870, at one o'clock, in the afternoon, at Tipton.

D. GRAY, *Att'y for Plaintiff.*
WALTER I. HAYES, *Att'y for Defen.*

JAN. 27, '70.

100 Be it remembered that at a term of the district court of the State of Iowa, in and for Cedar County, begun & held in Tipton therein on the first Monday in December, 1869, was present the Hon. James H. Rothrock, judge of the 8th judicial district of the State of Iowa, sole presiding judge of said court; John D. Shearer, sheriff of said county, and W'm Elliott, clerk of said court, when the following proceedings were had in vacation as of said Dec. term of said court.

EUNICE N. GRAY, PLAINTIFF,
vs.
W'M F. COAN, WALTER I. HAYES, PATRICK Judge, Cornelius Shay, Patrick Haley, Owin Melvin, W'm Rogan, Timothy Haley, Patrick Riley, & Anthony Rowan, defendants.

And now, on this 28th day of January, A. D. 1870, this cause came on to be heard in vacation, & as of the December, 1869, term of this court, upon the pleadings and proofs herein, in accordance to stipulations heretofore made by the parties herein—the said plaintiff, appearing by her attorney, D. Gray, esq., and the said defendants by Walter I. Hayes, esq., their attorney.

And said cause being fully argued by said attorneys, and finally submitted, it is, upon consideration thereof, ordered, adjudged, and
101 decreed that the relief asked and prayed for in said plaintiff's petition & amended petition in this cause be denied, and that the said petition & amended petition be dismissed upon the merits of the action at the said plaintiff's costs.

And it is further ordered, adjudged, and decreed herein that the said plaintiff Eunice N. Gray, and all persons claiming any title or interest under or through her, be forever barred and estopped, and perpetually enjoined and restrained from all, or from making or alleging any, claim, interest, or title, legal or equitable, in the premises mentioned in the pleadings mentioned in this cause, to wit: Lots one, two, three, four, five, six, seven, eight, nine, twenty-one, twenty-two, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, and thirty in block four. Lots one, two, sixteen, twenty-one & twenty-two in block five; lots 1, 2, 5, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, & 24 in block six, and lots 16 & 17 in block seven; all being in Arnold & Young's addition to South Clinton, in the county of Clinton, and State of Iowa, or in any part thereof, and that the title of the said defendants herein

to said above-described lots be quieted, confirmed, and taken as a good and valid title in fee-simple as stated and shown in the pleadings
102 and proofs herein, & that the tax deeds thereof and therefor mentioned in the pleading herein be declared and decreed to be good, valid, legal, and sufficient tax deeds therefor, and that the said defendants recover their costs of suit, taxed at one hundred and eighty-seven dollars and 60 cents, ($187 60,) and that the motion of the said plaintiff that the clerk of the district court in and for the county of Clinton be required to retax the costs upon the change of venue heretofore taken in this cause be overruled; to which ruling the plaintiff then and there *accepted*.

And it is further ordered, adjudged, and decreed herein that this judgement and decree shall, in accordance to the stipulation of the parties herein heretofore made, be entered, and stand, and be in force, & have effect the same as if the same had been made & entered herein at the December, 1869, term of this court, and at the day mentioned in the caption to this judgement and decree.

The said plaintiff hereby excepts to the whole, and each and every part, of the said above judgement & decree, and that his honor be, and is hereby, requested to insert said exceptions at the close of said decree.

And afterwards, to wit, on the 9th day of February, 1870, was
103 filed in the office of the clerk of the district court of Cedar County, Iowa, a notice of appeal in words and figures following, to wit:

Notice of appeal.

District court of Cedar County. December term of 1869.

STATE OF IOWA, *Cedar County, ss:*

EUNICE N. GRAY, PLAINTIFF,
vs.
W'M F. COAN, WALTER I. HAYES, PATRICK Judge, Cornelius Shay, Patrick Haley, Owin Melvin, W'm Rogan, Timothy Haley, Patrick Riley, & Anthony Rowan, defendants.

To the above-named defendants, or to Walter I. Hayes, their attorney, and to W'm Elliott, clerk of said district court of said county.

GENTS: Take notice that the above-named plaintiff in this action appeals to the general term of the circuit court of the 8th judicial district, in the State of Iowa, from the judgement & decree of the district court of the county of Cedar, & State of Iowa, rendered in this action at the December term of said court of 1869 in favor of said defendants W'm F. Coan and the other defendants in this action, and against the said plaintiff, Eunice N. Gray, and that said plaintiff appeals from the whole of the said judgement and decree of the said district court to the
104 said general term of the said circuit court, to be holden at Marion, in Linn County, and State of Iowa, on the 14th day of March, 1870.

Feb. 8th, 1870.

D. GRAY,
Plain. Att'y.

To W'M ELLIOTT, Esq.,
Clerk of said District Court of Cedar County.

FEB. 9TH, 1870.

Service accepted.

W'M ELLIOTT, *Clerk.*

And on the same day was filed in the office of the clerk of said district court of Cedar County a stipulation, in words & figures following, to wit:

Agreement.

December term of 1869.

STATE OF IOWA, *Cedar County, ss:*

EUNICE N. GRAY, PLAINTIFF,
vs.
W'M F. COAN ET AL., DEFENDANTS.

It is hereby stipulated and agreed by the undersigned, attorneys for the respective parties in this action, that the following words be added to the judgement & decree submitted by the defendants to his honor, James H. Rothrock, in this action, to wit: The said plaintiff hereby excepts to the whole and each & every part of the said above judgement & decree, & that his honor be, & is hereby, requested to insert said exceptions at the close of said decree.

D. GRAY,
Plaintiff's Attorney.
WALTER I. HAYES,
Defendant's Attorney.

FEB. 18TH, 1870.

And afterwards, to wit, on the 28th day of March, 1870, was filed in the office of the clerk of the district court of said Cedar
105 County an agreement, in words & figures following, to wit:

In the district court of said Cedar County.

STATE OF IOWA, *Cedar County, ss:*

EUNICE N. GRAY, PLAINTIFF,
vs
W'M F. COAN ET AL., DEFENDANTS.

It is hereby agreed that the above-entitled cause may be argued at any time in vacation, to be appointed by the judge, & that any portion in relation to costs or otherwise may be made at the same time, & that judgement may be entered in this cause as of the present December term of said court.

D. GRAY,
Plaintiff's Attorney.
WALTER I. HAYES,
Attorney for Defen.

DEC. 9TH, 1869.

It is agreed that this case be argued & costs retaxed before Judge

Rothrock, agreeable to above stipulation, on the 28th day of January, 1870.

D. GRAY,
Plaintiff's Attorney.

And on the same day was filed a stipulation, in words & figures following, to wit:

In district court for Cedar County.

STATE OF IOWA, *County of Cedar, ss:*

EUNICE N. GRAY, PLAINTIFF,
vs.
W'M F. COAN ET AL., DEFENDANTS.

It is hereby stipulated and agreed that the above-entitled cause shall not be heard, or brought on for trial or hearing, before Friday, the 10th day of Dec., 1869.

D. GRAY,
Plaintiff's Attorney.
WALTER I. HAYES,
Defendant's Attorney.

NOV. 30TH, 1869.

106 STATE OF IOWA,
Cedar County, ss:

I, W'm Elliott, clerk of the district court in and for said county, do hereby certify that the foregoing is a full, true, and complete transcript of all the original papers filed in my office, in the case to which they refer, and also of all records entries in this office, as the same remains on file & of record in said office.

In witness whereof I have hereunto set my hand and affixed the seal of said court, at Tipton, therein, this 3rd day of May, 1870.

[CEDAR COUNTY SEAL.] W'M ELLIOTT,
Clerk District Court Cedar County, Iowa.

This transcript, $46 50.

Bill of costs in Cedar County.

Trial	$1 50
Judgment	75
Taxing costs	50
Express charges on papers	55
	$3 30

This transcript, (paid by plaintiff,) $46 50.
A true bill of costs.

W'M ELLIOTT, *Clerk.*

And afterwards, to wit, on the 4th day of August, 1870, was filed in the office of the clerk of the district court of said Cedar County a copy of notice of appeal, and acceptance of service, by defendant, in words and figures following, to wit:

107 *Notice of appeal.*

District court of Cedar County.

STATE OF IOWA, *Cedar County, ss :*

EUNICE N. GRAY, PLAINTIFF,
vs.
W'M F. COAN, WALTER I. HAYES, PATRICK JUDGE, Cornelius Shay, Patrick Haley, Owin Melvin, W'm Rogan, Timothy Haley, Patrick Riley, & Anthony Rowan, defendants.

To the above-named defendants, or to Walter I. Hayes, their attorney, & to W'm Elliott, clerk of said district court of said Cedar County.

GENTS: Take notice that the above-named plaintiff in this action appeals to the general term of the circuit court of the 8th judicial district of the State of Iowa, from the judgement & decree of the district court of the county of Cedar & State of Iowa, rendered in this action at the December term of said court of 1869, in favor of said defendants W'm F. Coan and the other defendants in this action, & against the said plaintiff Eunice N. Gray, & that the said plaintiff appeals from the whole of said judgement & decree of the said district court to the said general term of the said circuit court to be holden at Marion, in Linn County, & State of Iowa, on the 14th day of March, 1870.

February 8th, 1870.

D. GRAY,
Plaintiff's Attorney.

To W. I. HAYES, Esq.,
Def'ts Attorney.

108 Service accepted Feb. 8th, 1870.

WALTER I. HAYES,
Def'ts Attorney.

STATE OF IOWA, *Cedar County, ss :*

I, W'm Elliott, clerk of district court of said county, certify that the above is a true copy of notice of appeal as the same remains in this office.

CEDAR COUNTY SEAL OF DIST. COURT. Witness my hand & official seal this 4th day of August, 1870.

W'M ELLIOTT,
Clerk of District Court.

(Indorsed :) 3778. Transcript. Eunice N. Gray, appel., vs. W'm F. Coan et al. Filed Oct. 4th, 1870. C. Linderman, clerk. Cedar.

109 STATE OF IOWA,
Cedar County, ss :

Pleas before the district court of Iowa, at a term begun & holden in the county of Cedar on the first Monday (being the 6th) of December, 1860, before the Hon. J. H. Rothrock, judge of the 8th judicial district of the State of Iowa.

EUNICE N. GRAY
vs.
W'M F. COAN. } In equity.

Be it remembered that heretofore, to wit, on the 21st day of April, 1868, was filed in the office of the clerk of the district court of Clinton County, State of Iowa, a petition in words & figures following, to wit:

Petition in equity.

District court of Clinton County, Sept. term, 1868.

EUNICE N. GRAY, PLAINTIFF,
vs.
W'M F. COAN, DEFENDANT.

To the judge of the district court in & for the county of Clinton & State of Iowa, sitting in equity:

1st. The petition of Eunice N. Gray shows to this honorable court that Eunice N. Gray owns in fee-simple the following lots & blocks, situated in Arnold & Young's addition to the city of Clinton, in the town of Clinton, & county of Clinton, and State of Iowa; that is to say, lots 25, 26, 27, 28, 29, & 30, in block 4; and lots 1, 2, 5, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, & 24, in block 6; and
110 lot 1, in block 5; and that the said plaintiff so owned said lots at the several times said lots were sold for taxes, as hereinafter set forth.

2nd. Your petitioner further says that said lots 25, 26, 27, 28, 29, & 30, in said block four, (4,) were sold for taxes by the treasurer of said county of Clinton, on the 2nd day of Novem., 1863, for the taxes of 1862; and that said lot 1, in block 5, was sold for taxes by the said treasurer of Clinton County, on the 3rd day of October, 1864, *for taxes by said treasurer of Clinton County*, for the taxes of 1863; & that said lots 1, 2, 5, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, & 24, in said block 6, were sold for the taxes of 1862, on the 2nd day of November, 1862.

3rd. Your petitioner further says, that on the 29th day of September, 1864, your said petitioner duly redeemed said lots 25, 26, 27, 28, 29, & 30, in said block 4, from all tax sales & all taxes then due thereon, and paid the proper amount then due thereon for taxes, to the clerk of the district court of said county, & of the board of supervisors of said county, who gave your petitioner the proper certificate therefor, a copy of which is hereto attached marked "A" and that on the 25th day of September, 1865, your said petitioner duly redeemed said lots 1, in said block 5, from all tax sales & all taxes then due thereon for taxes, to the said clerk of the district court of said county, and of the said board of supervisors of said county, who gave your said petitioner the
111 proper certificate therefore, a copy of which is hereto attached marked "B;" and that on the 29th day of September, 1864, your said petitioner duly redeemed said lots 1, 2, 3, 5, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, & 24, in said block 6, from all tax sales & all taxes then due thereon, and paid the proper amount then due thereon for taxes to said clerk of the district court of said county, & of said board of supervisors of said county, who gave your said petitioner the proper certificate therefor, a copy of which is hereto attached marked

"C;" and that said several redemptions were so made, as aforesaid, for the use & benefit of your said petitioner, & that your said petitioner had the right of said redemption under the laws of said State of Iowa, and that all taxes have been duly paid by said petitioner on said lots to the present time.

4th. Your petitioner further says, that she is informed that in the month of May, 1868, the said defendant, in some manner unknown to your petitioner, obtained tax deeds for said lots & blocks above described, from the said treasurer of Clinton County, and caused the same to be recorded in the recorder's office of said county of Clinton, copies of which deeds are hereto attached marked D, E, F, G, H, and that said several deeds were so made & executed as aforesaid after said lots & blocks were redeemed by your petitioner as aforesaid, and
112 that said deeds are null & void & a cloud on your petitioner's title, which is a serious injury to your petitioner & contrary to equity.

5th. Your petitioner further says that, at the time of said several sales of said lots for taxes, so made as aforesaid, and also at the tax sales of said lots on the 6th day of October, 1862, as set forth in said defendant's deeds, said treasurer did not offer said lots for sale for the smallest portion of the same for the taxes due thereon, but that said lots were sold by said treasurer as aforesaid & purchased or bid off by said defendant in entirety, and that several of said lots were so sold together for the amount of taxes due on them, and which appears on the face of the said deeds, copies of which are hereto attached, marked as aforesaid, and which, on reference thereto, will more fully & at large appear; all of which actings & doings are contrary to our statutes in such case made and provided, (Code of 1860, page 120, sec. 766,) and contrary to equity.

6th. Your petitioner therefore prays that the said W'm F. Coan, the defendant aforesaid, may be ordered, adjudged, and decreed to produce said deeds before this court, that the same may be decreed to be null & void and cancelled of record, and that said defendant be restrained from asserting any title under the same, or disposing or selling any of said lots, and that your petitioner may recover the costs of this pro-
113 ceeding, and have such other & further relief as the nature of the case requires, and shall be agreeable to equity.

EUNICE N. GRAY.
By D. GRAY, *her Attorney.*

THE STATE OF IOWA,
City & County of Clinton, ss:

I, Daniel Gray, being duly sworn, say, that I am the attorney and agent of Eunice N. Gray, the petitioner in the foregoing petition, and that I am better acquainted with the facts and circumstances set forth in said petition than petitioner is, and that I have read the foregoing petition and know the contents thereof, and that I believe the statements thereof to be true.

D. GRAY.

Signed and subscribed to in my presence by the said Daniel Gray, before me this 16th day of April, 1868.

ISAAC BALDWIN,
Notary Public.

Copy certificate.

"A."

OFFICE OF THE CLERK OF THE BOARD OF SUPERVISORS,
De Witt, Iowa, Sept. 29th, 1864.

This is to certify that Eunice N. Gray has this day redeemed the real property hereinafter described, by payment of two $\frac{33}{100}$ dollars as below specified. Said property having been sold by the treasurer of said county for the tax of A. D. 1862, on the 2nd of Nov., A. D. 1863.

(Here a portion of the papers apppear to be missing.—W'M ELLIOTT, *Clerk.*)

of the above conveyance and to be the identical person whose name is affixed to & who executed the above conveyance as treasurer
114 of said county, and who acknowledged the execution of the same to be his voluntary act and deed as treasurer of said county for the purposes therein expressed.

Given under my hand & seal this 24th day of May, A. D. 1866.
D. WHITNEY, *Notary Public.*

Filed May 24th, 1866, at 9 a. m., and recorded in Book H of town lots, page 112.

And afterwards, to wit, September 7th, 1868, was filed in the office of the clerk of the district court of Clinton County an amended petition, in words and figures following, to wit:

Petition in equity.

STATE OF IOWA, *Clinton County, ss:*

District court for said county, Sept. term, 1868.

EUNICE N. GRAY, PLAINTIFF,
vs.
W'M F. COAN, PATRICK JUDGE, CORNELIUS Shay, Patrick Haley, Owin Melvin, W'm Rogan, Timothy Haley, Patrick Riley, & Anthony Rowan, defendants.

To the judge of the district court in & for the county of Clinton & State of Iowa, sitting in equity.

1st. The petition of Eunice N. Gray shows to this honorable court that Eunice N. Gray owns in fee-simple the following lots & blocks situated in Arnold & Young's addition to the city of Clinton, in the town of Clinton & county of Clinton, State of Iowa; that is to say,
115 lots 25, 26, 27, 28, 29, & 30, in block 4; and lots 1, 2, 5, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, & 24, in block 6, and lot 1, in block 5, and that the said plaintiff so owned said lots at the several times said lots were sold for taxes, as hereinafter set forth.

2nd. Your petitioner further says that said lots 25, 26, 27, 28, 29, & 30, in said block 4, were sold for taxes by the treasurer of said county of Clinton, on the 2nd day of Nov. 1863, for the taxes of 1862, and that said lot 1, in block 5, was sold for taxes by the said treasurer of Clinton County, on the 3rd day of October, 1864, *for taxes by said treasury of*

Clinton County for the taxes of 1863; and that said lots 1, 2, 5, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, & 24 in said block 6, were sold for the taxes of 1862, on the 2nd day of November, 1863.

3rd. Your petitioner further says that on the 29th day of September, 1864, your said petitioner duly redeemed said lots 25, 26, 27, 28, 29, & 30, in said block 4, from all tax sales and all taxes then due thereon, & paid the proper amount then due thereon for taxes to the clerk of the district court of said county, and of the board of supervisors of said county, who gave your said petitioner the proper certificates therefor, a copy of which is hereto attached, marked "A;" and that on the 25th day of September, 1865, your said petitioner duly redeemed said lot 1, in block 5, from all tax sales & all taxes then due thereon, & paid the
116 proper amount then due thereon for taxes to the said clerk of the district court of said county and of the said board of supervisors of said county, who gave your petitioner the proper certificates therefor, a copy of which is her'to attached, marked "B;" and that on the 29th day of Sept., 1864, your said petitioner duly redeemed said lots 1, 2, 5, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, & 24, in said block 6, from all tax sales and all taxes then due thereon, and paid the proper amount then due thereon for taxes to the said clerk of the district court of said county, & of the said board of supervisors of said county, who gave your said petitioner the proper certificate therefore, a copy of which is hereto attached, marked "C," and that said several redemptions were so made as aforesaid for the use & benefit of your said petitioner, and that your said petitioner had the right of said redemption under the laws of said State of Iowa, & that all taxes have been duly paid by said petitioner on said lots to the pres't time.

4th. Your petitioner further says that she is informed that in the month of May, 1866, the said defendant, in some manner unknown to your petitioner, obtained tax deeds for said lots & blocks above described from the said treasurer of Clinton County, & caused the same to be recorded in the recorder's office of said county of Clinton, copies of which said deeds are hereto attached, marked D, E, F, G, &
117 that said several deeds were so made and executed as aforesaid after said lots & blocks were redeemed by your petitioner as aforesaid, and that said deeds are null and void and a cloud on your petitioner's title, which is a serious injury to your petitioner, & contrary to equity; and that said Coan has conveyed some of said lots, as follows: Lot 5, in block 6, to Patrick Judge, by deed dated April 3rd, 1867, recorded in Book I, page 430; lot 24, in block 6, to Cornelius Shay, by deed dated April 9th, 1867, & recorded in Book I, page 440; lot 23, in block six, to Patrick Haley, by deed dated March 13th, 1868, recorded in Book I, page 453; lot 25, in block 4, to Owin Melvin, by deed dated April 1st, 1867, recorded in book 4, page 162; lot 26, in block 4, to William Rogan, by deed 'ated April 8th, 1867, recorded in book 5, page ; lots 27 & 28, in block 4, to Patrick Waltan, by deed dated April 7th, 1867, & recorded in Book I, page 470; lot 21, in block 6, to Timothy Haley, by deed dated 13th March, 1868, and recorded in book ; lot , in block 6, to Patrick Riley, by deed dated 13th of May, 1867, & recorded in book 5, page 503; lot 22, in block 6, to Anthony Rowan, by deed dated 1st of May, 1867, recorded in book page .

5th. Your petitioner further says that at the time of said several sales of said lots for taxes, so made as aforesaid, & also at the tax sales of said lots on the 6th day of October, 1862, as set forth in defendant's deeds, said treasurer did not offer said lots for sale for the

118 smallest portion of the same for the taxes due thereon, but that said lots were so sold by said treasurer as aforesaid, & purchased or bid off by said defendant in entirety, and that several of said lots were so sold together for the amount of taxes due on them, & which appears upon the face of the said deeds, copies of which are hereto attached as aforesaid, & which, on reference thereto, will more fully & at large appear; all of which actings & doings are contrary to our statute in such case made & provided, (Code of 1860, page 120, sec. 766,) & contrary to equity.

6th. Your petitioner further prays that the said W'm F. Coan and the other defendants aforesaid, may be ordered, adjudged, & decreed to produce said deeds before this court, that the same may be decreed to be null & void, & cancelled of record, & that said defendant be restrained from asserting any title under the same, or disposing, or selling any of said lots, and that your petitioner may recover the costs of this proceeding & have such other & further relief as the nature of the case requires & shall be agreeable to equity.

EUNICE N. GRAY.
By D. GRAY, *her Attorney*

THE STATE OF IOWA,
City & County of Clinton, ss:

I, Daniel Gray, being duly sworn, say that I am the attorney
119 & agent of Eunice N. Gray, the petitioner in the foregoing petition, and that I am better acquainted with the facts & circumstances set forth in said petition than said petitioner is, and that I have read the foregoing petition & and know the contents thereof and that I believe the statements thereof to be true.

D. GRAY.

Subscribed & sworn to in my presence by the said Daniel Gray before me this 5th day of September, 1868.
[SEAL.]

E. F. HOLWAY,
Notary Public.

And afterwards, to wit, on the 12th day of September, 1868, was filed in the office of the clerk of the district court of Clinton County, Iowa, a motion in words & figures following, to wit:

Motion.

STATE OF IOWA, *Clinton County, ss:*

In district court for said county.

EUNICE N. GRAY, PLAINTIFF,
vs.
W'M F. COAN, PATRICK JUDGE, CORNELIUS Shay, Patrick Haley, Owin Melvin, W'm Rogan, Timothy Haley, Patrick Riley, & Anthony Rowan, defendants.

And now comes the said defendants, by Walter I. Hayes, their attorney, and moves the court to strike out the amended petition, filed
120 in the above-entitled cause, on the ground that the verification of

the same is not duly made, it now showing that the agent & attorney who made the same knew the facts stated in said petition.

WALTER I. HAYES,
Attorney for defendants.

And afterwards, to wit, on the 26th day of November, 1868, was filed in the office of the clerk of the district court of said Clinton county an answer in words & figures following, to wit:

Answer.

STATE OF IOWA, *Clinton County, ss:*

In district court for said county.

EUNICE N. GRAY, PLAINTIFF,
vs.
WM F. COAN, PATRICK JUDGE, CORNELIUS Shay, Patrick Haly, Owin Melvin, W'm Rogan, Timothy Haley, Patrick Riley, & Anthony Rowan, defendants.

And now comes the said defendants, & answering the amended petition of the said plaintiff, says:

1st. They deny that the said plaintiff owns in fee simple or otherwise the lots in her said amended petition mentioned, or that she ever owned them, or either of them, in fee simple or otherwise.

2nd. That on about the 6th day of October, 1862, the said defendant, W'm F. Coan, duly purchased said lots of the treasurer of the said
121 County of Clinton, upon a sale of the same for taxes then due upon them and for which they were then legally liable & subject to be sold, and that the said lots were not by said plaintiff, or any other person ever redeemed from such sale; and that thereafter said defendant duly obtained tax deeds for said lots & caused the same to be duly recorded in the office of the recorder of said County of Clinton.

3rd. They deny that the said plaintiff at any time duly redeemed said lots & blocks from all taxes which were due upon them, or from all tax-sales, or that she paid the proper amount due thereon to the clerk of the district court or the clerk of the board of supervisors of said county, as stated in said petition, but admit that she did so redeem said lots, except for the years for which they were so sold in 1862, and except from said sale in 1862, but deny that she had right to so redeem said lots, or any interest in them whatever.

4th. They deny that at the time of the said sale in 1862, or at any other tax-sale at which said defendant W'm F. Coan ever purchased said lots, or either of them, the same were by said treasurer sold, or by said defendant bid off & purchased in entirety, and not for the smallest portion of the same that would pay said taxes, and say that said lots were each sold separately, & by itself, & that the whole of each of said
122 lots, was the smallest portion of the same that any one offered to pay the amount due thereon for, at any of said sales.

5th. They deny that the tax deeds of said lots, held by said defendant W'm F. Coan, are null & void, & a cloud upon any title of the said plaintiff.

6th. They admit that said defendant, W'm F. Coan, has conveyed some of said lots, and as stated in said amended petition, and say that

at the time of the first of said conveyances, and before, the said defendant W'm F. Coan was the owner, in fee simple, of all the lots mentioned in said amended petition, and is so still the owner thereof, except as to those lots mentioned in said amended petition as by him conveyed, & that, as to those lots, the said grantees thereof became, respectively, the owners thereof, in fee simple, at the date of their respective conveyances of the lots so conveyed to each, and so continue to the present time. The said defendants therefore ask to be dismissed herein, & for their costs of suit.

WALTER I. HAYES,
Att'y for Def't

STATE OF IOWA, *Clinton County, ss:*

W'm F. Coan, being by me first duly sworn, deposes & says, that he is one of the defendants in the above-entitled cause, that he has heard said petition read and knows the contents thereof, & that the statements thereof are true, as he verily believes.

W'M F. COAN.

123 Subscribed and sworn to before me & in my presence, by said W'm F. Coan, this 25th day of November, A. D. 1868.

Witness my hand and notarial seal.

[SEAL.] WALTER I. HAYES,
Notary Public.

And afterwards, to wit, on the 16th day of March, 1869, was filed in the office of the clerk of the district court of said county of Clinton, a notice, in words and figures following, to wit:

Notice.

STATE OF IOWA, *Clinton County, ss:*

In district court.

EUNICE N. GRAY
vs.
W'M F. COAN ET AL.

To W. I. HAYES, esq., defendants att'y:

SIR: Take notice, that a motion will be made on the 17th inst., at 9 a. m., before this court, upon affidavit & motion on file, & to be made & put on file in this court:

1st. To take the plaintiff's depositions before R. W. Wheeler, instanter, and submit or argue this cause at the present term, upon the depositions on both sides; or,

2nd. That plaintiff's depositions be taken during vacation, & the cause be argued at the next September term of this court.

Yours, &c.,

D. GRAY,
Plaintiff's Attorney.

MARCH 16TH, 1869.

124 And afterwards, to wit, on the 17th day of March, 1869, was filed in the office of the clerk of the district court of said Clinton County an affidavit, in words & figures following, to wit:

STATE OF IOWA, *County of Clinton, ss:*

In district court for said county.

EUNICE N. GRAY, PLAINTIFF,
vs.
W'M F. COAN ET AL., DEFENDANTS.

STATE OF IOWA, *County of Clinton, ss:*

Walter I. Hayes, being by me first duly sworn, deposes and says, that he is the attorney for the defendants in the above entitled cause; that he never directly or indirectly told, informed, or gave the attorney for the plaintiff, or any other person, to understand that the above case could be continued, or taken up in any way out of its regular order; but, upon the contrary, refused to make any agreement to try said case in any way except in the usual way, when it was reached, & so informed the attorney for the plaintiff, in open court, upon the first call, by the court, of the calendar of cases; that he never agreed to give said plaintiff any time to reply to the answer filed in said cause, but frequently told said attorney for plaintiff that no reply was necessary or proper in the case, when applied to for time to reply.

WALTER I. HAYES.

125 Subscribed & sworn to before me, & in my presence, by said Walter I. Hayes, this 9th day of March, 1869.

N. B. HOWARD, *Clerk.*

And afterwards, to wit, on the said 17th day of March, 1869, was filed in the office of the clerk of the district court of said Clinton County a dismissal of above cause, in words & figures following, to wit:

STATE OF IOWA, *County of Clinton, ss:*

In district court for said county.

EUNICE N. GRAY, PLAINTIFF,
vs.
W'M F. COAN & WALTER I. HAYES.

The plaintiff's action in this case is hereby dismissed without prejudice.

D. GRAY,
Plaintiff's Attorney.

MAR. 17TH, 1869.

And afterwards, to wit, on the 1st day of December, 1869, was filed in the office of the clerk of the district court of Cedar County, a stipulation in words and figures following, to wit:

STATE OF IOWA, *County of Clinton, ss:*

In district court for said county.

EUNICE N. GRAY, PLAINTIFF,
vs.
W'M F. COAN ET AL., DEFENDANTS.

It is hereby stipulated & agreed that the above entitled cause

126 shall not be heard, or brought on for trial or hearing, before Friday, the 10th day of December, 1869.

D. GRAY,
Attorney for Plaintiff.
W. I. HAYES,
Attorney for Defendant.

NOV. 30TH, 1869.

And afterwards, to wit, on the 10th day of Dec., 1869, was filed in the office of the clerk of the district court of said Cedar County, a stipulation in words & figures following, to wit:

STATE OF IOWA, *County of Cedar, ss:*

In district court for said county.

EUNICE N. GRAY, PLAINTIFF,
vs.
W'M F. COAN ET AL., DEFENDANTS.

It is hereby stipulated and agreed that the above-entitled cause shall be considered and heard as finally submitted to the court, when the files & papers are filed in the office of the clerk of the district court of Cedar County, & that the same may be argued at any time in vacation at any time to be fixed by the judge, and that thereafter the court may enter judgment in said case or abide any motions in relation to costs, therein as of the December term 1869, of said court.

D. GRAY, *Plaintiff's Attorney.*
W. I. HAYES, *Defendant's Attorney.*

DEC. 9TH, 1869.

And afterwards, to wit, on the 28th day of Jan., 1870, was filed in the office of the clerk of the district court of said Cedar County a stipulation in words & figures following, to wit:

127 STATE OF IOWA, *County of Cedar, ss:*

In district court for said county.

EUNICE N. GRAY, PLAINTIFF,
vs.
W'M F. COAN ET AL., DEFENDANTS.

It is hereby stipulated & agreed that the above-entitled cause and all motions therein, including retaxing costs, may be argued before Judge Rothrock in accordance with stipulations heretofore made, on Friday, Jan. 28th, 1870, at one o'clock in the afternoon, at Tipton.

D. GRAY, *Attorney for Plaintiff.*
W. I. HAYES, *Attorney for Defendant.*

And afterwards, to wit, on said 28th day of January, 1870, was filed in the office of the clerk of said district court of Cedar County, the following certificates & certified copies of records from Clinton County, Iowa, in words & figures following, to wit:

STATE OF IOWA, *Clinton County, ss:*

I, Noel B. Howard, clerk of the district court in & for said county,

do hereby certify that the papers hereunto attached, are the original pleadings filed in my office in the cause No. 2098, wherein Eunice N. Gray is plaintiff, & W'm F. Coan is defendant.

Witness, Noel B. Howard, clerk of the district court in and for said county & the seal of said court, hereunto affixed at Clinton City, this 25th day of Jan., 1870.

[SEAL.] N. B. HOWARD, *Clerk.*

[5-ct. U. S. stamp.]

128 STATE OF IOWA, *Clinton County, ss:*

Be it remembered that heretofore, to wit, at a term of the district court of the State of Iowa, begun & held at De Witt, in and for said county, on the first Monday in September, A. D. 1868—present, the Hon. Scott Richmond, judge of the 7th judicial district of the State of Iowa; Robert Hogle, sheriff of said county, and Noel B. Howard, clerk of said court—and the following entitled cause coming on to be heard on the 8th day of September, A. D. 1868, and still during said term of said court, the following, among other, proceedings were had therein, to wit:

STATE OF IOWA, *County of Clinton, ss:*

In district court for said county. In equity. Sept. 8th, A. D. 1868.

EUNICE N. GRAY
vs.
W'M F. COAN. } 2098.

This day this cause came on to be heard, and upon the application of said defendant: It is ordered by the court that the defendant have 30 days to answer herein and that this cause be continued.

STATE OF IOWA, *County of Clinton, ss:*

In district court for said county.

EUNICE N. GRAY
vs.
W'M F. COAN. } In equity.

This day this cause came on to be heard, and on motion of the
129 defendant, it is ordered by the court that the defendant have 30 days' time to answer the petition of plaintiff herein, & that this cause be continued.

STATE OF IOWA, *Clinton County:*

In district court in & for said county.

EUNICE N. GRAY
vs.
W'M F. COAN. } 2098. In equity.

This 5th day of March, A. D. 1869, came on to be heard this cause. Present, Daniel Gray, esq., attorney for the plaintiff, & Walter I. Hayes, esq., attorney for the defendant, and now the said defendant, by his counsel, submits this cause, on his behalf, to the court.

STATE OF IOWA, *County of Clinton, ss:*

In district court for said county.

EUNICE N. GRAY
vs. } 2098. In equity.
W'M F. COAN.

This 17th day of March, A. D. 1869, came on to be heard this cause, & now comes the plaintiff, by her attorney, D. Gray, esq., and be leave of court dismisses her action herein, at her costs. It is therefore ordered by the court that the defendant have & recover of and from the said plaintiff his costs herein expended. To all of which ruling & judgement the defendant, by his counsel, then & there duly *accepted*.

STATE OF IOWA, *County of Clinton, ss:*

I, Noel B. Howard, clerk of the district court in & for said
130 county, do hereby certify that the above & foregoing is a true and perfect transcript of all the records, entries in the above-entitled cause No. 2098, wherein Eunice N. Gray is plaintiff, & W'm F. Coan is defendant. Witness, Noel B. Howard, clerk of the district court in & for said county, and the seal of said court hereunto affixed at Clinton City this 25th day of Jan., A. D. 1870.

[SEAL.] N. B. HOWARD, *Clerk.*

[5 ct. U. S. stamp.]

Be it remembered that at a term of the district court of the State of Iowa, begun & holden at the court-house in Tipton, in the county of Cedar, therein present on the 6th day of December, 1869—present, the Hon. James H. Rothrock, judge of the 8th judicial district of the State of Iowa, sole presiding judge of said court; John D. Shearer, sheriff of said county, & W'm Elliott, clerk of said court—when the following, among other, proceedings were had, to wit:

EUNICE N. GRAY, PLAINTIFF,
vs.
W'M F. COAN, WALTER I. HAYES, PATRICK Judge, Cornelius Shay, Patrick Haley, Owin Melvin, W'm Rogan, Timothy Haley, Patrick Riley, & Anthony Rowan, defendants.

And now, on this 28th day of January, A. D. 1870, this cause came on to be heard in vacation, and as of the December (1869) term of this
131 court, upon the pleadings & proofs herein, in accordance to stipulations heretofore made by the parties herein—the said plaintiff, appearing by her attorney, D. Gray, esq'r, and the said defendants by Walter I. Hayes, esq'r, their attorney.

And said cause being fully argued by said attorneys, & finally submitted, it is, upon consideration thereof, ordered, adjudged, & decreed that the relief asked and prayed for in plaintiff's petition & amended petition in this cause be denied, and that the said petition and amended petition be dismissed upon the merits of the action at the said plaintiff's costs.

And it is further ordered, adjudged, and decreed herein, that the said plaintiff, Eunice N. Gray, and all persons claiming any title or interest under or through her, be forever barred and stopped, and perpetually

enjoined & restrained from all, or for making or alleging any claim, interest, or title, legal or equitable, in the premises mentioned in the pleadings in this cause, to wit: Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 21, 22, 25, 26, 27, 28, 29, & 30, in block 4; lots 1, 2, 16, 21, & 22, in block 5; lots 1, 2, 5, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, & 24, in block 6; and lots 16 & 17, in block 7, all being in Arnold & Young's addition to South Clinton, in the county of Clinton, & State of Iowa, or in any part thereof; and that the title of the said defendants herein to said above-described lots be quieted, confirmed, and taken as a good & valid title in fee simple, as stated & shown in the pleadings & proofs herein,
132 and that the tax-deeds thereof and therefor, mentioned in the pleadings herein, be declared and decreed to be good, valid, legal, & sufficient tax-deeds therefor, & that the said defendants recover their costs of suit, taxed at one hundred and eighty-seven & $\frac{60}{100}$ dollars; and that the motion of the said plaintiff, that the clerk of the district court in & for the county of Clinton be required to retax the costs upon the change of venue heretofore taken in this cause, be overruled. To which ruling the plaintiff then and there *accepted*.

And it is further ordered, adjudged, and decreed herein, that this judgment & decree shall, in accordance to the stipulation of the parties herein, heretofore made, be entered & stand, and be in force & have effect, the same as if the same had been made & entered herein at the December (1869) term of this court, and at the same day mentioned to the caption to this judgment and decree.

The said plaintiff her'by excepts to the whole & each & every part of the said above judgment and decree, & that his honor be, and is hereby requested to invest said exceptions at the close of said decree.

And afterwards, to wit, on the 9th day of Feb., 1870, was filed in the office of the clerk of the district court of said Cedar County, a notice of appeal, in words and figures following, to wit:

133 *Notice of appeal.*

STATE OF IOWA, *County of Cedar, ss:*

In district court of Cedar county, December term of 1869.

EUNICE N. GRAY, PLAINTIFF,
vs.
WM F. COAN, WALTER I. HAYES, PATRICK Judge, Cornelius Shay, Patrick Haley, Owin Melvin, W'm Rogan, Timothy Haley, Patrick Riley & Anthony Rowan, defendants.

To the above-named defendants, or to Walter I. Hayes, their attorney, and to W'm Eliott, clerk of said district court of said county.

GENTS: Take notice that the above-named plaintiff in this action, appeals to the general term of the circuit court of the 8th judicial district, in the State of Iowa, from the judgment & decree of the district court of the county of Cedar & State of Iowa, rendered in this action at the December term of said court of 1869, in favor of said defendants W'm F. Coan & the other defendants in this action, & against the said plaintiff, Eunice N. Gray, and that the said plaintiff appeals from the whole of said judgment and decree of the said district court, to the said

general term of the said circuit court, to be holden at Marion, in Linn County & State of Iowa, on the 14th day of March, 1870.

D. GRAY,
Plaintiff's Attorney.

FEB. 8TH, 1870,

To W'M ELLIOTT, Esq.,
Clerk of said District Court of Cedar County.

Service accepted.

W'M ELLIOTT, *Clerk.*

FEB. 9TH, 1870.

134 And on the same day, to wit, February 9th, 1870, was filed in the office of the clerk of said district court of Cedar County, a stipulation in words & figures following, to wit:

Agreement.

Dec. term of 1869.

STATE OF IOWA, *Cedar County, ss:*

EUNICE N. GRAY, PLAINTIFF,
vs.
W'M F. COAN ET AL., DEFENDANTS.

It is hereby stipulated & agreed by the undersigned, attorneys for the respective parties in this action, that the following words be added to the judgment & decree submitted by the defendants to his honor James R. Rothrock, in this action, to wit: The said plaintiff hereby excepts to the whole & each & every part of the said above judgment & decree, and that his honor be & is hereby requested to insert said exceptions at the close of said decree.

D. GRAY,
Plaintiff's Attorney.
W. I. HAYES,
Attorney for Defendants.

FEB. 8TH, 1870.

STATE OF IOWA, *Cedar County, ss:*

I, W'm Elliott, clerk of the district court in & for said county, do hereby certify that the foregoing is a true & complete transcript of all the original papers filed in the case to which they refer, and also of all record entries in the records of said county in said cause, as the same remains of record therein. In witness whereof I have hereunto set my hand & affixed the seal of said court, at Tipton, in said county, this 18th day of Mar., 1870.

[CEDAR COUNTY SEAL.] W'M ELLIOTT, *Clerk.*

Clerk's fees for transcript, $8 00.

135 STATE OF IOWA, *Cedar County, ss:*

Pleas before the district court of Iowa, at a term begun and holden in the county of Cedar, on the first Monday of December, A. D. 1869, before the Hon. James H. Rothrock, judge of the eighth judicial district of the State of Iowa.

EUNICE N. GRAY
vs. } In chancery.
W'M F. COAN.

Be it remembered that heretofore, to wit, on the 24th day of February, A. D. 1867, was filed in the office of the clerk of the district court of the county of Clinton, and State of Iowa, a procedendo copy of opinion & certificate from the supreme court of the State of Iowa, in words and figures following, to wit:

Filed December 10th, 1867.

Supreme court, December term, 1867.

EUNICE N. GRAY, APPEL'ANT,
vs. } No. 2915.
W'M F. COAN.

Appeal from Clinton district court.

Action in equity to set aside a tax-deed. The plaintiff is a married woman, and the original petition was filed in her name, by her husband as next friend, and her husband was also joined as co-plaintiff. To this petition the defendant demurred on the ground of improper joinder of parties, and for various other causes. This demurrer
136 was sustained and the plaintiff had leave to & did amend her petition, making herself sole plaintiff, and in other particulars. The defendant then demurred to the petition as amended, which demurrer was also sustained and the petition dismissed. The plaintiff appeals.

Daniel Gray, for appel'ant.

Baker & Hayes, for appel'ee.

COLE, J.

The averments of the petition are, that the plaintiff owns, in fee simple, the real estate (lots in Clinton) embraced in the tax-deed to defendant, and that she so owned the same at the several times of the sales for taxes as set forth; that said plaintiff was a married woman prior to the 7th day of Oct., 1861, and has been ever since; that said real estate was sold for taxes in 1861, 1863, & 1864; that, after said sales the plaintiff redeemed said real estate from all taxes then due thereon, by paying to the clerk the proper amount; that the plaintiff had the right to so redeem said lots, and that all taxes on said real estate have been duly paid by plaintiff to the present time.

It is further averred that, in the month of May, 1866, in some way or manner unknown to plaintiff, the defendant obtained tax-deeds for said lots, and had the same recorded; that said deeds were made after said lots were redeemed; that said deeds were null and void, and are a cloud upon plaintiff's title, and a serious injury to her rights; that, at
137 the time of the sales for taxes, the treasurer did not offer the smallest portion for the taxes due, but sold the entire lots; that plaintiff had no knowledge of the claim of said defendant, or that any taxes were unpaid, or the lots unredeemed until the tax-deeds were recorded. The petition concludes with a prayer to have the tax-deeds declared null & void, and cancelled; that defendant be enjoined from asserting any title under the same, & for all other proper relief, &c.

The defendant demurred, because—

"First." The court had no jurisdiction of the subject of the action, in

that plaintiff's remedy was not in equity, but at law or by suit to recover possession, or by suit to compel defendant to bring action to try title, &c.

"Second." The petition does not state facts sufficient to constitute a cause of action.

"Third." The petition states facts which avoids the cause of action.

That the plaintiff has brought an action in equity when she had an adequate remedy at law, or by a special proceeding under a statute, is not a good cause of demurrer under our system of practice, has been several times determined by this court. (Coyningham vs. Smith, 16th Iowa, 471; Savery vs. Browning, 18 ib., 246; McDole vs. Purdy & wife, at present term.) The appropriate remedy to a defendant for such an error by a plaintiff is to have the action changed into the proper proceeding. (Holmes vs. Clark, 10th Iowa, 423.)

But the petition, in this case, which seeks to have certain deeds
138 cancelled & held null & void, for the reason that certain facts exists making them null and void, which facts do not appear upon the deeds themselves, is very properly brought on the equity side of the court. (Van Doren vs. New York, 9 Paige's Ch'y Rep., 388; Black on Tax Titles, (1st ed.,) 571-'2, and '3, and authorities cited.) A fair construction of the language of the petition shows sufficient to constitute a cause of action. It shows that plaintiff was the owner of the real estate at the times of the several sales, and still continued to be such owner; that she had redeemed from all the sales, and had paid all taxes due, and that, notwithstanding these facts, defendant had, in some manner, obtained a tax-deed.

If it be true, as stated in defendant's brief, that the defendant claims title under a sale made at a different time from any mentioned in plaintiff's petition, that fact can only be made available by affirmative pleading on his part; it cannot be reached by demurrer. The only statement of the petition tending to sustain the claim that it states facts which avoids the cause of action, is the statement above set out, that plaintiff had no knowledge of the claim of said defendant, or that any taxes were unpaid, or the lots were not redeemed, until the tax-deeds were recorded. This language constructed most strongly against the plaintiff, might possibly be made to mean
139 that plaintiff did know, after the tax-deeds were recorded, that some taxes were unpaid, and that the lots were not redeemed. But this rule of construction does not obtain under our statute. In the construction of pleading for the purpose of determining its effect, its allegations shall be liberally construed with a view to substantive justice between the parties. (Rev., Sec. 2951.)

Applying this rule to the plaintiff's petition, it does state a cause of equitable action, & does not void the same.

Reversed.

STATE OF IOWA, *Supreme Court:*

EUNICE N. GRAY }
vs. }
W'M F. COAN. }

I, C. Linderman, clerk of the supreme court, do hereby certify that the foregoing pages contain a full, true, and complete copy of the opinion of the court in the above-entitled cause, as full, true, & complete as the original now on file in my office.

In testimony whereof I have hereunto set my hand and affixed the seal of the court at Des Moines this 18th day of December, 1867.

[SEAL.] C. LINDERMAN, *Clerk.*

[5-cent rev. stamp.]

THE STATE OF IOWA, *ss:*

The State of Iowa to the district court for the county of Clinton:

Whereas, the supreme court of said State being lately certified
140 of the record & proceedings in a certain cause which was in the district court for the county of Clinton, & State aforesaid, wherein Eunice N. Gray, plaintiff, & W'm F. Coan, defendant, in which said cause judgment was rendered against the plaintiff, from which judgment so rendered the plaintiff appealed to the said supreme court; and the said court having duly examined the record & proceedings aforesaid in the premises, at the capitol, in Des Moines, in said State, on the 10th day of December, 1867, did reverse the judgment aforesaid, as rendered in the court below, and order that further proceedings be had in said court not inconsistent with the opinion of the supreme court.

Therefor', you are hereby commanded that, with the speed which of right, and according to law you may, you proceed in the same manner as if no judgment had been rendered or appeal had been taken up and prosecuted in this court, anything in the record or proceedings aforesaid, heretofore certified, to the contrary notwithstanding.

Witness, C. Linderman, clerk of the supreme court, with the seal of said court hereunto affixed at Des Moines this 6th day of January, A. D. 1868.

[SEAL.] C. LINDERMAN,
Clerk of the Supreme Court.

And afterwards, to wit, on the 15th day of January, 1868, was
141 filed in the office of said clerk of the district court of said Clinton County, Iowa, an answer, in words & figures following, to wit:

Answer.

STATE OF IOWA, *County of Clinton, ss:*

In district court for said county.

EUNICE M. GRAY, PLAINTIFF,
vs.
W'M F. COAN, DEFENDANT.

And now comes the said defendant, W'm F. Coan, by Baker & Hayes, his attorneys, and, answering the petition of the said plaintiff, as amended, says:

1st. He denies that the said plaintiff owns, in fee simple or otherwise, the lots mentioned in her said amended petition, and says that she has not owned the same, in fee simple or otherwise, since the month of May, A. D. 1866, when this defendant obtained tax-deeds for the same, & caused said deeds to be duly recorded in the office of the recorder of said county of Clinton, as hereinafter & in said petition stated.

2nd. That as to whether the said plaintiff owned the said lots at the several times said lots were sold for taxes, as set forth in said amended petition, or at any time before the said defendant obtained tax-deeds for said lots, & caused the same to be recorded, as aforesaid, this de-

fendant has not any knowledge or information thereof sufficient to form a belief.

3rd. That, on the 6th day of October, A. D. 1862, this defendant duly purchased said lots of the treasurer of said county of Clinton,
142 upon a sale of the same for taxes then due upon the same, and for which they were then legally liable to be sold, and that the said lots were not, by said plaintiff or any other person, ever redeemed from said sale; and that in the month of May, A. D. 1866, the said defendant duly obtained tax-deeds of said lots, and in same month caused the same to be duly recorded in the office of the recorder of said county of Clinton, and became the absolute owner of the said lots, & so continued until the commencement of this suit.

4th. He denies that the said plaintiff at any time duly redeemed said lots & blocks from all taxes which were due upon them, or that she paid the proper amount due thereon to the clerk of said district court or the clerk of the board of supervisors of said Clinton County, as stated in said petition, but admits that she did so redeem said lots, except for the years for which they were so sold, in 1862, & except for said sale in 1862.

5th. He admits that, in the month of May, A. D. 1866, he obtained tax deeds for said lots, & caused the same to be recorded in the recorder's office of said county of Clinton, & State of Iowa, & says that said tax-deeds were given by reason of the purchase of said lots by this defendant at the tax-sale in said county of Clinton, in the month of October, A. D. 1862, and upon no other sale whatever, & that said lots had not, by said plaintiff or any other person, been redeemed from said
143 sales, or from the taxes due, & for which they were sold at that time, & he denies that said deeds are null & void, and a cloud upon the said plaintiff's title, & admits that said plaintiff had no knowledge of the claim of this defendant, and that she had no knowledge that any taxes were unpaid upon said lots & blocks, or that the same were not redeemed from all tax sales whatever until the said deeds of this defendant were so obtained & recorded in said amended petition.

6th. He denies that, at the time of said sale made in the year 1862, or at any other tax-sale at which he ever purchased said lots, or any of them, the same were, by said treasurer sold, or by said defendant purchased & bid off, in entirety, & not for the smallest portion that would have paid said taxes, & says that said lots were each sold separately & by itself, & that the whole of each of said lots was the smallest portion of the same that any one offered to pay the amount due thereon for at any of said sales.

The said defendant, therefore, asks to be dismissed herein, & for his costs of suit.

BAKER & HAYES,
Attorneys for Defendant.

STATE OF IOWA, *Clinton County, ss:*

W'm F. Coan, being by me first duly sworn, deposes & says that he is the defendant in the above-entitled cause; that he has read the
144 foregoing answer, & knows the contents thereof, & that the statements thereof are true, as he verily believes.

W'M F. COAN.

Subscribed and sworn to before me, by said W'm F. Coan, on this 14th day of Jan., A. D. 1868.

[SEAL.] WALTER I. HAYES,
Notary Public.

And afterwards, to wit, on the 4th day of March, 1868, was filed in the office of the clerk of the district court of said Clinton County, an amended petition, in words & figures following, to wit:

Petition in equity.

STATE OF IOWA:

District court of Clinton County, Mar. term, 1868.

EUNICE N. GRAY }
vs.
W'M F. COAN. }

To the judge of the district court in & for the county of Clinton, & State of Iowa, sitting in equity:

1st. The petition of Eunice N. Gray, shows to this honorable court, that Eunice N. Gray owns, in fee-simple, the following lots and blocks situated in Arnold & Young's addition to the city of Clinton, in the town of Clinton, & county of Clinton, and State of Iowa, that is to say: Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 21, & 22, in block 4; and lots 16 & 17, in block 7; and lots 2, 16, 21, & 22, in block 5, and that she so owned said lots at the several times said lots were sold for taxes, as hereinafter set forth.

2nd. Your petitioner further says that said lots were sold for taxes by the treasurer of said county of Clinton, on the 6th day of Oc-
145 tober, 1862, and that said lots 16, in block 7; and lots 3, 4, 5 6, 7, & 8, in block 4; and lots 2, 16, 21, & 22, in block 5, were again sold for taxes by said treasurer of Clinton County—for taxes accruing subsequently to said tax sale of the 6th day of October, 1862, as aforesaid—on the 2nd day of November, 1863, and that lots 21 & 22, block 4, & lots 1, 2, 16, 21 & 22, in block 5, were again sold for taxes by said treasurer of Clinton County—for taxes accruing *accruing* subsequently to said sale of the 6th day of Oct., 1862, as aforesaid—on the 3rd day of October, 1864.

3rd. Your petitioner further says that, on the 29th day of September, 1864, the said Eunice N. Gray duly redeemed the aforesaid lots & blocks from all taxes which were then due upon said lots & blocks, & from all tax sales for the same, & paid the proper amount due thereon to the clerk of said district court and of the board of supervisors of said county of Clinton, who gave your petitioner the proper certificate therefor, & which said copy certificates are hereto annexed, marked "A," "B," "C," and "D;" and that, on the 25th day of September, 1865, your said petitioner again duly redeemed the following lots & blocks from all taxes due thereon, & from all tax sales for the same, by paying the proper amount due thereon to said clerk, as aforesaid, the certificates of which are hereto attached marked E & F, that is to say, lots 1, 2, 16, 21, & 22, in block 5, & lots 21 & 22, in block 4, and
146 that said several redemptions were made for the use and benefit of the said petitioner, she having the right of redemption under the laws of said State of Iowa, as above set forth, & that all taxes have been duly paid by said petitioner, on said lots, to the present time.

4th. Your petitioner further says that she is informed that said defendant was a purchaser at the said tax sales of the said 6th day of October, 1862, of the said lots, & that, in the month of May, 1866, the said defendant, in some manner unknown to your petitioner, obtained tax-title deeds for said lots & blocks, above described, from the said treasurer of Clinton County, & caused the same to be recorded in the re-

corder's office of said county of Clinton, (copies of said deeds are hereto attached, marked "G," "H," "I," "K,") and that said several deeds were so made & executed, as aforesaid, after said lots & blocks were redeemed by your petitioner as aforesaid, & that said deeds are null & void, and a cloud on your petitioner's title, which is a serious injury to your petitioner, & contrary to equity.

5th. Your petitioner further says that, at the times of said several sales of said lots for taxes so made, as aforesaid, said treasurer did not offer said lots for sale for the smallest portion of the same for the taxes due thereon, but that said lots were sold by said treasurer, as
147 aforesaid, & purchased or bid off, by said defendant, in entirety, and that several of said lots were sold together for the amount of taxes due on them, and which appears upon the face of said deeds, copies of which are hereto attached, marked "G," "H," "I," "K," as aforesaid, and which, on reference thereto, will more fully and at large appear; all of which actings & doings are contrary to our statutes in such case made & provided, (Code of 1860, page 120, sec. 766,) & contrary to equity.

6th. Your petitioner further prays that the said W'm F. Coan, the defendant aforesaid, may be ordered, adjudged, & decreed to produce said deeds before the court, that the same may be decreed to be null & void, and cancelled of record, and that said defendant be restrained from asserting any title under the same, & that your petitioner may recover the costs of this proceeding, and have such other & further relief as the nature of the case requires, and as shall be agreeable to equity.

EUNICE N. GRAY,
By D. GRAY,
Her Attorney.

STATE OF IOWA,
Clinton County, ss:

I, Daniel Gray, being duly sworn, say that I am the attorney & agent of Eunice N. Gray, the petitioner in the foregoing petition, and that I am better acquainted with the facts & circumstances
148 set forth in said petition than said petitioner is, and that I have read the foregoing petition and know the contents thereof, that I belief the statement thereof to be true.

D. GRAY.

Signed & sworn to in my presence by D. Gray, before me this day of

And, afterwards, to wit, on the 7th day of April, 1868, was filed in the office of the clerk of the district court of said Clinton County, an amended petition, in words & figures following, to wit:

Petition in equity.

District court of Clinton County. March term of 1868.

STATE OF IOWA, *ss:*

EUNICE N. GRAY, PLAINTIFF,
vs.
W'M F. COAN & W. I. HAYES, DEF.

To the judge of the district court in & for the county of Clinton, & State of Iowa, sitting in equity:

1st. The petition of Eunice N. Gray shows to this honorable court

that Eunice N. Gray owns, in fee-simple, the following lots and blocks, situated in Arnold & Young's addition to the city of Clinton in the town of Clinton, & county of Clinton, & State of Iowa, that is to say:
Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 21, & 22, in block 4; and lots 16 & 17, in
149 block 7; and lots 1, 2, 16, 21, & 22, in block 5; and that she so owned said lots at the several times said lots were sold for taxes as hereinafter set forth.

2nd. Your petitioner further says that said lots were sold for taxes by the treasurer of said county of Clinton, on the 6th day of Oct., 1862, and that said lots 16, in block 7; and lots 3, 4, 5, 6, 7, & 8, in block 4; and lots 2, 16, 21, & 22, in block 5, were again sold for taxes by said treasurer of Clinton County—for taxes accruing subsequently to said tax sale of the 6th day of Oct., 1862, as aforesaid—on the 2nd day of Nov., 1863; & that lots 21 & 22, in block 4, & lots 1, 2, 16, 21 & 22, in block 5, were again sold for taxes by the said treasurer of Clinton County—for taxes accruing subsequently to said sale of the 6th day of Oct., 1862, as aforesaid—on the 3rd day of Oct., 1864.

3rd. Your petitioner further says that, on the 29th day of Sept., 1864, the said Eunice N. Gray duly redeemed the aforesaid lots & blocks from all taxes which were then due upon said lots & blocks, & from all tax sales for the same, and paid the proper amount due thereon to the clerk of said district court & of the board of supervisors of said county of Clinton, who gave your petitioner the proper certificate therefor, & which said copy certificate are hereto annexed, marked "A,"
"B," "C," & "D;" & that, on the 15th day of Sept., 1865, your
150 said petitioner again duly redeemed the following lots & blocks from all taxes due thereon, & from all tax sales for the same, by paying the proper amounts due thereon to said clerk as aforesaid, the certificates of which are hereto attached, marked E. & F., that is to say, lots 1, 2, 16, 21, & 22, in block 5, & lots 20 & 22, in block 4, and that said several redemptions were made for the use & benefit of the said petitioner, she having the right of said redemptions under the laws of said State of Iowa, as above set forth, and that all taxes have been duly paid by said petitioner on said lots to the present time.

4th. Your petitioner further says that she is informed that the said defendant was the purchaser of the said tax sales of the said 6th day of Oct., 1862, of the said lots, and that, in the month of May, 1866, the said defendant, in some manner unknown to your petitioner, obtained tax-title deeds for said lots & blocks above described, from the said treasurer of Clinton County, and caused the same to be recorded in the recorder's office of said county of Clinton, copies of which said deeds are hereto attached, marked G, H, I, K; and that said several deeds
were so made & executed as aforesaid after said lots & blocks
151 were redeemed by your petitioner, as aforesaid, and that said deeds are null & void, and a cloud upon your petitioner's title, which is a serious injury to your petitioner, and contrary to equity; and that said Coan has conveyed said lots to Walter I. Hayes, by deed dated March 2nd, 1867, and recorded March 13th, 1867, in book H, page 638.

5th. Your petitioner further says that, at the time of said several sales of said lots for taxes, so made as aforesaid, said treasurer did not offer said lots for sale for the smallest portion of the same for the taxes due thereon, but that said lots were so sold by said treasurer as aforesaid, and purchased or bid off by said defendant, in entirety; & that several of said lots were sold together for the amount of taxes due on them, & which appears upon the face of the said deeds, copies of which are hereto attached, marked G, H, I, & K, as aforesaid, & which, on refer-

ence thereto, will more fully & at large appear; all of which actings & doings are contrary to our statutes in such case made & provided, (code of 1860, page 120, sec. 766,) & contrary to equity.

6th. Your petitioner further prays that the said W'm F. Coan & Walter I. Hayes, the defendants aforesaid, may be ordered, adjudged, & decreed to produce said deeds before this court, that the same may be decreed to be null & void, & cancelled of record, & that said defendants be restrained from asserting any title under the same,
152 & that your petitioner may recover the costs of this proceeding & have such other & further relief as the nature of the case requires & as shall be agreeable to equity.

EUNICE N. GRAY,
By D. GRAY, *Her Attorney.*

STATE OF IOWA, *Clinton County, ss:*

I, Daniel Gray, being duly sworn, say that I am the attorney & agent of Eunice N. Gray, the petitioner in the foregoing petition, and that I am better acquainted with the facts & circumstances set forth in said petition than said petitioner is, & that I have read the foregoing petition & know the statements thereof, & that I believe the statements thereof to be true.

D. GRAY.

Subscribed & sworn to by the said Daniel Gray before me & in my presence this 5th day of September, 1868.

[SEAL.] E. F. HOLWAY,
Notary Public.

And, afterwards, to wit, on the 8th day of September, 1868, was filed in the office of the clerk of the district court of said Clinton County, a motion in words & figures following, to wit:

Motion.

STATE OF IOWA, *Clinton County, ss:*

In district court for said county.

EUNICE N. GRAY, PLAINTIFF,
vs.
W'M F. COAN & W. I. HAYES, DEFENDANTS.

153 And now comes the said defendants, by Walter I. Hayes, their attorney, & move the court to strike out the last amended petition filed in this cause, on the ground that the same is not properly verified, the verification not showing that the agent & attorney who made the same knew the facts & statements of the said petition; also, that the said defendants have judgment in this cause as for want of petition filed herein, on the ground that said last amended petition is the fourth petition that has been filed in this cause.

WALTER I. HAYES,
Attorney for Defendants.

And, afterwards, to wit, on the 26th day of Nov., 1868, was filed in the office of the clerk of said district court of Clinton County, an answer in words & figures following, to wit:

Answer.

STATE OF IOWA, *County of Clinton, ss:*

In district court for said county.

EUNICE N. GRAY, PLAINTIEF,
vs.
W'M F. COAN & W. I. HAYES, DEF.

And now comes the said defendants, and, answering the amended petition of the said plaintiff, says—

1st. They deny that the said plaintiff owns in fee-simple, or otherwise, the lots mentioned in her said amended petition, & say that they have no knowledge or information sufficient to form a belief as to
154 whether said plaintiff owned or had any title to said lots, or any of them, at the time they were sold for taxes, as stated in said amended petition, or not.

2nd. That, on or about the 6th day of Oct., A. D. 1862, the said defendant W'm F. Coan duly purchased said lots of the treasurer of said county of Clinton, upon a sale of the same for taxes then due upon them, & for which they were then legally liable & subject to be sold, and that the said lots were not by said plaintiff, or any other person, ever redeemed from said sale, & that thereafter said defendant duly obtained tax-deeds for said lots, & caused the same to be duly recorded in the office of the recorder of said county of Clinton, and became the absolute owner thereof, & so continued until the commencement of this suit.

3rd. They deny that the said plaintiff at any time duly redeemed said lots & blocks from all taxes which were due upon them, or that she paid the proper amount due thereon to the clerk of said district court, or the clerk of the board of supervisors of said county, as stated in said petition, but admits that she did so redeem said lots, except for the years for which they were sold, in 1862, & except from said sale in 1862.

4th. They deny that, at the time of said sale made in 1862, or at any other sale at which said defendant W'm F. Coan ever purchased
155 . said lots, or any of them, the same were by said treasurer sold, or by said defendant bid off in entirety, & not for the smallest portion of the same that would have paid said taxes, & say that said lots were each sold separately & by itself, & that the whole of each of said lots was the smallest portion of the same that any one offered to pay the amount due thereon for at any of said sales.

5th. They deny that the tax deeds held by them are null & void, and a cloud upon any title of the said plaintiff.

6th. That the said defendant Walter I. Hayes is the owner in fee-simple of all of said lots. The said defendants, therefore, ask to be dismissed herein, & for their costs of suit.

WALTER I. HAYES,
Attorney for Defendants.

STATE OF IOWA, *County of Clinton, ss:*

Walter I. Hayes, being by me first duly sworn, deposes & says that he is one of the defendants named in the foregoing answer; that he has read said answer, & knows the contents thereof, & that the statements thereof are true as he verily believes.

WALTER I. HAYES.

Subscribed & sworn to before me & in my presence by said Walter I. Hayes, this 26th day of November, A. D. 1868.

Witness my hand & seal.

[SEAL.]

F. P. WILCOX,
Notary Public.

156 And, afterwards, to wit, on the 16th day of March, 1869, was filed in the office of the clerk of the district court of said Clinton County a motion, in words & figures following, to wit:

Notice.

In district court.

STATE OF IOWA, *County of Clinton, ss:*

EUNICE N. GRAY
vs.
W'M F. COAN & WALTER I. HAYES.

To W. I. Hayes, defendant's attorney:

SIR: Take notice that a motion will be made, on the 19th inst., at 9 a. m., before this court, upon affidavits and motion on file & to be made & put on file in this court:

1st. To take the plaintiff's depositions before R. W. Wheeler instanter, & submit or argue this cause at the present term, upon the depositions on both sides; or,

2nd. That plaintiff's depositions be taken during vacation, & the case be argued at the next Sept. term of this court.

March 16th, 1869.

Yours, etc.,

D. GRAY,
Plaintiff's Attorney.

And afterwards, to wit, on the 17th day of March, 1869, was filed in the office of the clerk of the district court of said Clinton County, a dismissal of action, in words and figures following, to wit:

In district court.

STATE OF IOWA, *County of Clinton:*

157 EUNICE N. GRAY, PLAINTIFF,
vs.
W'M F. COAN, PATRICK JUDGE, CORNELIUS Shay, Patrick Haley, Owin Melvin, W'm Rogan, Timothy Haley, Patrick Riley, & Anthony Rowan, defendants.

To W. I. Hayes, esq'r., and N. B. Howard, clerk of district court of Clinton County:

The plaintiff's action in the above-entitled cause is hereby dismissed without prejudice.

D. GRAY,
Plaintiff's Attorney.

Answer.

STATE OF IOWA, *County of Clinton, ss:*

In district court for said county.

EUNICE N. GRAY, PLAINTIEF,
vs.
W'M F. COAN & W. I. HAYES, DEF.

And now comes the said defendants, and, answering the amended petition of the said plaintiff, says—

1st. They deny that the said plaintiff owns in fee-simple, or otherwise, the lots mentioned in her said amended petition, & say that they have no knowledge or information sufficient to form a belief as to
154 whether said plaintiff owned or had any title to said lots, or any of them, at the time they were sold for taxes, as stated in said amended petition, or not.

2nd. That, on or about the 6th day of Oct., A. D. 1862, the said defendant W'm F. Coan duly purchased said lots of the treasurer of said county of Clinton, upon a sale of the same for taxes then due upon them, & for which they were then legally liable & subject to be sold, and that the said lots were not by said plaintiff, or any other person, ever redeemed from said sale, & that thereafter said defendant duly obtained tax-deeds for said lots, & caused the same to be duly recorded in the office of the recorder of said county of Clinton, and became the absolute owner thereof, & so continued until the commencement of this suit.

3rd. They deny that the said plaintiff at any time duly redeemed said lots & blocks from all taxes which were due upon them, or that she paid the proper amount due thereon to the clerk of said district court, or the clerk of the board of supervisors of said county, as stated in said petition, but admits that she did so redeem said lots, except for the years for which they were sold, in 1862, & except from said sale in 1862.

4th. They deny that, at the time of said sale made in 1862, or at any other sale at which said defendant W'm F. Coan ever purchased
155 . said lots, or any of them, the same were by said treasurer sold, or by said defendant bid off in entirety, & not for the smallest portion of the same that would have paid said taxes, & say that said lots were each sold separately & by itself, & that the whole of each of said lots was the smallest portion of the same that any one offered to pay the amount due thereon for at any of said sales.

5th. They deny that the tax deeds held by them are null & void, and a cloud upon any title of the said plaintiff.

6th. That the said defendant Walter I. Hayes is the owner in fee-simple of all of said lots. The said defendants, therefore, ask to be dismissed herein, & for their costs of suit.

WALTER I. HAYES,
Attorney for Defendants.

STATE OF IOWA, *County of Clinton, ss:*

Walter I. Hayes, being by me first duly sworn, deposes & says that he is one of the defendants named in the foregoing answer; that he has read said answer, & knows the contents thereof, & that the statements thereof are true as he verily believes.

WALTER I. HAYES.

Subscribed & sworn to before me & in my presence by said Walter I. Hayes, this 26th day of November, A. D. 1868.

Witness my hand & seal.

[SEAL.]

F. P. WILCOX,
Notary Public.

156 And, afterwards, to wit, on the 16th day of March, 1869, was filed in the office of the clerk of the district court of said Clinton County a motion, in words & figures following, to wit:

Notice.

In district court.

STATE OF IOWA, *County of Clinton, ss:*

EUNICE N. GRAY
vs.
W'M F. COAN & WALTER I. HAYES.

To W. I. Hayes, defendant's attorney:

SIR: Take notice that a motion will be made, on the 19th inst., at 9 a. m., before this court, upon affidavits and motion on file & to be made & put on file in this court:

1st. To take the plaintiff's depositions before R. W. Wheeler instanter, & submit or argue this cause at the present term, upon the depositions on both sides; or,

2nd. That plaintiff's depositions be taken during vacation, & the case be argued at the next Sept. term of this court.

March 16th, 1869.

Yours, etc.,

D. GRAY,
Plaintiff's Attorney.

And afterwards, to wit, on the 17th day of March, 1869, was filed in the office of the clerk of the district court of said Clinton County, a dismissal of action, in words and figures following, to wit:

In district court.

STATE OF IOWA, *County of Clinton:*

157 EUNICE N. GRAY, PLAINTIFF,
vs.
W'M F. COAN, PATRICK JUDGE, CORNELIUS Shay, Patrick Haley, Owin Melvin, W'm Rogan, Timothy Haley, Patrick Riley, & Anthony Rowan, defendants.

To W. I. Hayes, esq'r., and N. B. Howard, clerk of district court of Clinton County:

The plaintiff's action in the above-entitled cause is hereby dismissed without prejudice.

D. GRAY,
Plaintiff's Attorney.

And, afterwards, to wit, on the 1st day of December, 1869, was filed in the office of the clerk of the district court of Cedar County, Iowa, a stipulation in words and figures following to wit:

STATE OF IOWA, *County of Cedar, ss:*

In district court for said county.

EUNICE N. GRAY, PLAINTIFF,
vs.
W'M F. COAN ET AL., DEFENDANTS.

It is hereby stipulated and agreed that the above-entitled cause shall not be heard or brought on for trial or hearing, before Friday, the 10th day of Dec., 1869.

D. GRAY,
Attorney for Plaintiff.
W. I. HAYES,
Attorney for Defandant'.

NOV. 30TH, 1869.

And, afterwards, to wit, on the 10th day of December, 1869, was filed in the office of the clerk of the district court of Cedar County,
158 a stipulation, in words and figures following, to wit:

STATE OF IOWA, *County of Cedar, ss:*

In district court for said county.

EUNICE N. GRAY, PLAINTIFF,
vs.
W'M F. COAN ET AL., DEFENDANTS.

It is hereby stipulated and agreed that the above-entitled cause shall be considered and heard as finally submitted to the court, when the files and papers are filed in the office of the clerk of the district court of Cedar County, & that the same may be argued at any time in vacation, at any time to be fixed by the judge, and that thereafter the court may enter judgment in said case, or to decide any motions in relation to costs, or otherwise therein, as of the Dec. term of 1869, of said court.

D. GRAY,
Plaintiff's Attorney.
W. I. HAYES,
Defendants' Attorney.

DEC. 9TH, 1869.

And, afterwards, to wit, on the 28th day of January, 1870, was filed in the office of the clerk of the district court of said Cedar County, a stipulation, in words & figures following, to wit:

STATE OF IOWA, *County of Cedar, ss:*

In district court for said county.

EUNICE N. GRAY, PLAINTIFF,
vs.
W'M F. COAN ET AL., DEFENDANTS.

159 It is hereby stipulated and agreed that the above-entitled cause

and all motions therein, including retaxing costs, may be argued before Judge Rothrock, in accordance with stipulations heretofore made, on Friday, Jan. 28th, 1870, at one o'clock in the afternoon, at Tipton.

D. GRAY,
Attorney for Plaintiff.
W. I. HAYES,
Attorney for Defendant.

JAN. 27TH, 1870.

And, on the said 27th day of Jan., 1870, was filed in the office of the clerk of said district court of Cedar County, certified copies of records & certificates of clerk of Clinton County, Iowa, in words & figures following, to wit:

STATE OF IOWA, *Clinton County:*

I, Noel B. Howard, clerk of the district court in & for said county, do hereby certify that the papers hereunto attached are the original pleadings filed in my office in the cause, No. 2067, wherein Eunice N. Gray is plaintiff, & W. F. Coan defendant.

Witness Noel Howard, clerk of the district court in & for said county, & the seal of said court hereunto affixed, at Clinton City, this 25th day of January, A. D. 1870.

[SEAL.] N. B. HOWARD, *Clerk.*

[5-ct. U. S. rev. stamp, can.]

STATE OF IOWA, *Clinton County, ss:*

160 Be it remembered that, heretofore, to wit, at a term of the district court of the State of Iowa, begun and held at De Witt, in & for said county, on the first Monday in Mar., A. D. 1869—present, the Hon. J. Scott Richmond, judge of the seventh judicial district of the State of Iowa; Robert Hogle, sheriff of said county; & Noel B. Howard, clerk of said court; and the following-entitled cause coming on to be heard on the 7th day of March, A. D. 1869, and still during said term of said court, the following, among other, proceedings were had therein to wit:

STATE OF IOWA, *Clinton County:*

In district court for said county.

EUNICE N. GRAY
vs.
WM F. COAN. } 2067. In equity.

This 2nd day of Dec., A. D. 1868, this cause comes on to be heard, and, on application of the defendant, it is ordered by the court that defendant have 30 days' time to reply herein.

STATE OF IOWA, *Clinton County, ss:*

In district court in & for said county.

EUNICE N. GRAY
vs.
WM F. COAN. } 2067.

This 5th day of March, A. D. 1869, came on to be heard this cause—

present, Daniel Gray, esq'r., attorney for plaintiff, and Walter I. Hayes, esq'r., attorney for defendant; and now the said defendant, by his
161 counsel, submits this cause on his behalf to the court.

STATE OF IOWA, *Clinton County, ss:*

In district court for said county.

EUNICE N. GRAY
vs.
W'M F. COAN. } 2067. In equity.

This 17th day of March, A. D. 1869, came on to be heard this cause, & now comes the plaintiff, by her attorney, D. Gray, esq'r., and, by leave of court, dismisses her action herein at her costs.

It is therefore ordered by the court that the defendant have and recover of and from said plaintiff his costs herein expended. To all of which ruling and judgment the defendant, by his counsel, then & there duly excepted.

STATE OF IOWA, *Clinton County, ss:*

I, Noel B. Howard, clerk of the district court in and for said county, do hereby certify that the above and foregoing is a true and perfect transcript of all the record entries in the above-entitled cause, No. 2067, wherein Eunice N. Gray is plaintiff, and W'm F. Coan is defendant.

Witness Noel B. Howard, clerk of the district court in and for said county, and the seal of said court hereunto affixed, at Clinton City, this 25th day of January, A. D. 1870.

[SEAL.] N. B. HOWARD, *Clerk.*

[U. S. rev. stamp 5 cents cancelled.]

162 STATE OF IOWA, *Cedar County, ss:*

I, W'm Elliott, clerk of the district court within and for said county, do hereby certify that the foregoing is a full, true, and complete transcript of all the original papers & of all records in said cause, as the same remains on file in my office.

CEDAR COUNTY. SEAL OF THE DIST. COURT. } Witness W'm Elliott, clerk of the district court in & for said county, at Tipton, therein, this 25th day of March, 1870.

W'M ELLIOTT, *Clerk.*

Clerk's fees: transcript, $7 70.

163 *Plaintiff's objections to defendants taking depositions.*

District court of Clinton County.

EUNICE N. GRAY
vs.
W'M F. COAN ET AL.

The plaintiff in this action accepts and objects to the defendants taking depositions in this cause, for the following reasons, to wit:

1st. The pleadings in the cause were not completed on issue joined, when notice of taking the depositions were served by the defendants.

2nd. No interrogatories have been served in this cause, nor any notice of the same.

3rd. No notice has been served that the witnessess were about to leave county, or that said defendants wished to perpetuate their testimony.

4th. The witnesses all reside in the county of Clinton, and should be all served and examined in open court, on the trial of this cause, regardless of any depositions they may make.

5th. The depositions sought to be taken in this cause are informal, and contrary to the statute in such case made & provided.

D. GRAY,
Plaintiff's Attorney.

(Indorsed:) Eunice N. Gray vs. W'm F. Coan et al. Exceptions to to depostions. D. Gray, plaintiff's att'y.

164 STATE OF IOWA, *County of Clinton, ss:*

Walter I. Hayes, being by me first duly sworn, deposes and says that, on the 28th day of December, A. D. 1868, he served personally, upon D. Gray, a notice, of which the annexed is a true copy; that said service was made by reading said notice to said D. Gray, and delivering to him a true copy thereof at the city of Clinton, county of Clinton, & State of Iowa.

WALTER I. HAYES.

Subscribed and sworn to before me & in my presence by said Walter I. Hayes, this 28th of Dec., A. D. 1868. Witness my hand, & seal by me affixed on the day & year above mentioned.

[NOTARIAL SEAL.] F. P. WILCOX,
Notary Public.

STATE OF IOWA, *County of Clinton, ss:*

In district court for said county.

EUNICE N. GRAY, PLAINTIFF,
vs.
W'M F. COAN, PATRICK JUDGE, CORNELIUS Shay, Patrick Haley, Owin Melvin, W'm Rogan, Timothy Haley, Patrick Riley, & Anthony Rowan, defendants.

Take notice that I. D. Fegan and Robert Williams, W'm Familton, Horace Anthony, Robert Hogle, and such other witnesses as said
165 defendants may desire to examine, will be examined and their depositions taken in the above-entitled cause, on the 18th day of January, A. D. 1869, before K. W. Wheeler, esq., a notary public in & for said county, at his office in the town of De Witt, in said county & State, commencing at 9 o'clock in the forenoon of said day.

Dec. 26th, 1868.

Yours, etc.,

WALTER I. HAYES,
Att'y for Defendants.

To D. GRAY, Esq.,
Attorney for Plaintiffs.

(Indorsed:) Clinton County district court. Eunice N. Gray vs. W'm F. Coan et al. Notice to take testimony.

Depositions of witnesses produced, sworn, and examined at my office at De Witt, in the county of Clinton, in the State of Iowa, before the undersigned notary public in and for said county, in pursuance of the annexed notice, in an action now pending in the district court of the State of Iowa in & for said county, wherein Eunice N. Gray is plaintiff, & W'm F. Coan, Patrick Judge, Cornelius Shay, Patrick Haley, Owin Melvin, W'm Rogan, Timothy Haley, Patrick Riley, & Anthony Rowan, defendants, upon the behalf of said defend-
166 ants—present, the plaintiff, by D. Gray, her attorney, & defendants, by W. I. Hayes, their attorney:

ROBERT WILLIAMS, being produced, sworn, & examined on the part of defendants, deposed as follows:

Int. 1st. Where do you reside?

Ans. 1st. I reside at De Witt, in Clinton County, Iowa.

Int. 2nd. What office do you hold and how long have you held it?

Ans. 2nd. I am county treasurer of Clinton County, Iowa; have held the office for 3 years.

Int. 3rd. Did you, or did you not, execute the deeds hereto attached, marked Exhibits A, B, C, D, E, F, & G, and acknowledge the same, as stated in said deeds?

Ans. 3rd. I signed the deeds, acknowledged the same at the times they bear date, and as stated in said deeds.

Cross-examined by plaintiff:

Int. 4th. Do Exhibits F, E, & G contain the same lots contained in the deeds made by you in 1866 to same party?

Ans. 4th. Can't tell without examining the deeds; they will show for themselves.

Int. 5th. Have you been called upon by W'm Coan to make those deeds?

Ans. 5th. I don't know as I was personally; Mr. Hayes, I think, called upon me for Mr. Coan, to make additional deeds.

Int. 6th. What was the reason for the giving of the deeds?

167 Ans. 6th. For the reasons stated in the deeds themselves.

Int. 7th. Had you authority or was you authorized by any court to make these deeds?

Ans. 7th. I had authority, but no court gave me authority?

Int. 8th. Did you make the corrections in these deeds at the request of Mr. Hayes?

Ans. 8th. I made new deeds—no corrections; made new deeds to correct others.

Int. 9th. Were the errors pointed out to you by Mr. Hayes?

Ans. 9th. I do not know.

Int. 10th. From what source did you ascertain the errors in the deeds?

Ans. 10th. My impression is, my first knowledge of my right to make the deeds was gained from the law I read in Judge Young's office; the errors, from the record.

Int. 11th. Did you make the correction to comply with the law, as you understood it—from the law you read in Judge Young's office?

Ans. 11th. I did not make any corrections of errors in deeds; I made new deeds, in accordance with the law, as I understood it.

ROBERT WILLIAMS.

JOSEPH D. FEGAN, produced as a witness upon behalf of the defendants, deposed as follows, first being duly sworn:

Int. 1st. Where do you reside?

Ans. 1st. I reside at De Witt, Clinton County, Iowa.

168 Int. 2nd. What office do you hold, & how long have you held it?

Ans. 2nd. I am recorder of Clinton County, Iowa; have held the office since first Monday in 1867.

Int. 3rd. Are the certificates attached to Exhibits H & I made by you?

Ans. 3rd. They were.

Int. 4th. Are those deeds, Exhibits H & I, recorded as stated in your certificate—as you have stated?

Ans. 4th. They are.

Int. 5th. Are the deeds marked Exhibits A, B, C, D, E, F, & G recorded, as stated in the certificates of recorder endorsed thereon?

Ans. 5th. They are.

J. D. FEGAN.

D. WHITNEY, being produced, sworn, & examined on the part of the defendants, deposed as follows:

Int. 1st. Where do you reside?

Ans. 1st. At De Witt, Clinton County, Iowa.

Int. 2nd. Were you at any time deputy treasurer of Clinton County, Iowa; if so, when?

Ans. 2nd. I was deputy treasurer from 1861 to Jan. 1st, 1865—4 years.

Int. 3rd. Did you, during that time, make the sales of land for taxes in the county?

Ans. 3rd. Some portion of the time; sometimes when Mr. Anthony was absent; when he was present, both were at the sales. In the year 1862 I made the sales.

Int. 4th. Do you remember the sales of lots in that year to W'm F. Coan?

169 Ans. 4th. I remember selling lots to him and other parties in Arnold's & Young's addition and in South Clinton.

Int. 5th. State how lots on those sales were offered, bid off, and sold. (Objected to by the plaintiff, that the record is the best evidence of lots, time of sale, & who purchased.)

Ans. 5th. Our rule & custom was that when any number of lots in rotation in a block to offer lot 1 first for sale, and sold to the bidder who would take the smallest portion of the lot, and then offered lot next in rotation in the same manner and so on; no 2 or more lots were sold together.

Cross-examined by plaintiff:

Cross-int. 1st. Is the description in the deeds of the sale, Exhibit "C," as the sale was made?

Ans. 1st. The deed does not recite that the same were sold separate; they were sold separate, although extended together on tax-sale register, to economize space.

Cross-int. 2nd. Will you give the manner & language you used at the sale?

Ans. 2nd. We would call, for instance, lot 1, block 4, in Arnold & Young's addition to South Clinton, and whoever bid upon it, it was

struck off to him, unless some one bid lower. [The lot was offered to the one that would take the smallest portion of the same for the tax, and sold to that person.]

Cross-int. 3rd. Was it so declared at the time?

170 Cross-ans. 3rd. It was.

(That portion of answer to cross-interrogatory 2nd embraced in brackets is objected to by the plaintiff, for the reason the same is not responsive to the question.

Cross-int. 4th. Was Mr. Coan the purchaser of the lots mentioned in those deeds?

Ans. 4th. Yes.

Cross-int. 5th. Was he the first bidder?

Ans. 5th. He was, I presume.

Cross-int. 6th. Was there any other bidder?

Ans. 6th. I think that there were no other bidders.

Cross-int. 7th. Was there any other bidder for any of those lots mentioned in the deeds?

Ans. 7th. I think not.

Cross-int. 8th. In putting up lots, did you name the lot and the amount of the tax?

Ans. 8th. We named the lot, and asked who would take the lot for the amount due, stating it, as near as possible.

Cross-int. 9th. Was there any other sales for those lots subsequently?

(Objected to by defendant for reason the same is immaterial.)

Ans. 9th. I cannot tell without an examination of the records.

Cross-int. 10th. Were any other of those lots offered to any other bidder but Mr. Coan?

Ans. 10th. I presume there were 50 bidders, and any one had the privilege of bidding.

Cross-int. 11th. Are you interested in the tax-sale of these lots in question?

Ans. 11th. Have no interest and never had.

171 Cross-int. 12th. Did you direct the correction made in the second deeds?

Ans. 12th. No.

Cross-int. 13. Were you consulted in any manner concerning it?

Ans. 13th. I may have been asked concerning them.

Cross-int. 14th. Did you direct the correction to be made?

Ans. 14th. I did not.

D. W. WHITNEY.

Know all men by these presents that, whereas the following-described real property, viz: Lot number sixteen, (16,) in block five, (5,) in Arnold & Young's addition to South Clinton; lot number nine, (9,) in block six, (6,) in Arnold & Young's addition to South Clinton; lot number ten, (10,) in block six, (6,) in Arnold & Young's addition to South Clinton; lot number fifteen, (15,) in block number six, (6,) in Arnold & Young's addition to South Clinton; lot number one, (1,) in block number six, (6,) in Arnold & Young's addition to South Clinton; lot number two, (2,) in block number six, (6,) in Arnold & Young's addition to South Clinton; lot number five, (5,) in block number six, (6,) in Arnold & Young's addition to South Clinton; lot number six, (6,) in block number six, (6,) in Arnold & Young's addition to South Clinton, situated in the county of Clinton, and State of Iowa, was subject to taxation for the year' A. D. 1858, 1859, 1860, & 1861; and whereas the taxes assessed upon said real property for the years aforesaid remained due

and unpaid at the date of the sale hereinafter named; & whereas the treasurer of the said county did, on the 6th day of Octo-
172 ber, A. D. 1862, by virtue of the authority in him vested by law, at the sale begun & publicly held on the first Monday of October, A. D. 1862, expose to public sale at the court-house, in the county aforesaid, in substantial conformity with all the requisitions of the statute in such case made & provided, the real property above described, for the payment of the taxes, interest, & costs then due & remaining unpaid on said property; and whereas, at the time & place aforesaid, W'm F. Coan, of the county of Clinton, and State of Iowa, having offered to pay the sum of four dollars and ninety cents, being the whole amount of taxes, interests, & costs then due & remaining unpaid on said property, for the whole of said property, to wit: Lot number sixteen, (16,) in block five, (5,) in Arnold & Young's addition to South Clinton, for the sum of 39 cents; lot number nine, (9,) in block six, (6,) in Arnold & Yonng's addition to South Clinton, for the sum of 76 cents; lot number ten, (10,) in block six, (6,) in Arnold & Young's addition to South Clinton, for the sum of 75 cents; lot number fifteen, (15,) in block six, (6,) in Arnold & Young's addition to South Clinton, for the sum of 75 cents; lot number one, (1,) in block six, (6,) in Arnold & Young's addition to South Clinton, for the sum of 75 cents; lot number two, (2,) in block six, (6,) in Arnold & Young's addition to South Clinton, for the sum of 75 cents; lot number five, (5,) in block six, (6,) in Arnold and Young's addition to South Clinton, for the
173 sum of 75 cents; lot number six, (6,) in block six, (6,) in Arnold & Young's addition to South Clinton, for the sum of 75 cents, which was the least quantity bid for; and payment of said sum having been by him made to the said treasurer, the said property was stricken off to him at that price; and whereas 3 years have elapsed since the date of said sale, and the said property has not been redeemed therefrom, as provided for by law:

Now, therefore, I, Robert Williams, treasurer of the county aforesaid, for & in consideration of the said sum to the treasurer paid as aforesaid, & by virtue of the statute in such case made & provided, have granted, bargained, & sold, and by these presents do grant, bargain, & sell unto the said W'm F. Coan, his heirs & assigns, the real property last hereinbefore described: To have and to hold unto him, the said W'm F. Coan, his heirs & assigns forever, subject, however, to all the rights of redemption provided by law.

In witness whereof I, Robert Williams, treasurer as aforesaid, by virtue of the authority aforesaid, have hereunto subscribed my name on this 21st day of May, 1866.

R. WILLIAMS,
Treasurer.

[50-ct. stamp.]

STATE OF IOWA, *Clinton County, ss:*

I hereby certify that, before me, a notary public in & for said county, personally appeared the above-named Robert Williams, treasurer
174 of said county, personally known to me to be the treasurer of said county at the date of the execution of the above conveyance, and to be the identical person whose name is affixed to & who executed the above conveyance as treasurer of said county, & who acknowledged the execution of the same to be his voluntary act and deed as treasurer of said county, for the purposes therein expressed.

{NOTARIAL SEAL OF D. WHITNEY, CLINTON CO., IOWA.} Given under my hand & seal this 24th day of May, A. D. 1866.

D. WHITNEY,
Notary Public.

STATE OF IOWA, *Clinton County:*

Exhibit "D," filed for record the 24th day of May, A. D. 1866, at 6 o'clock p. m., & recorded in book H of town lots, on page 109.

D. WHITNEY,
Recorder.

EXHIBIT "C."

Know all men by these presents that, whereas the following described real property, viz: Lot number nineteen, (19,) in block six, (6,) in Arnold & Young's addition to South Clinton; lot number twenty, (20,) in block six, (6,) in Arnold & Young's addition to South Clinton; lot number twenty-three, (23,) in block six, (6,) in Arnold & Young's addition to South Clinton; lot number twenty-two, (22,) in block six, (6,) in Arnold & Young's addition to South Clinton; lot number twenty-four, (24,) in block six, (6,) in Arnold & Young's addition to South Clinton; lot number twenty-one, (21,) in block six, (6,) in Arnold & Young's addi-
175 tion to South Clinton; lot number fifteen, in block seven, (7,) in Arnold & Young's addition to South Clinton, situated in the county of Clinton, and State of Iowa, was subject to taxation for the years, A. D. 1858, 1859, 1860, & 1861; and whereas the taxes assessed upon said real property for the years aforesaid remained due & unpaid at the date of the sale hereinafter named; and whereas the treasurer of the said county did, on the 6th day of October, A. D. 1862, by virtue of the authority in him vested by law, at the sale begun and publicly held on the first Monday of Oct. A. D., 1862, expose to public sale at the court-house, in the county aforesaid, in substantial conformity with all the requisitions of the statute in such case made & provided, the real property above described, for the payment of the taxes, interest, & costs then due & remaining unpaid on said property; and whereas, at the time & place aforesaid, W'm F. Coan, of the county of Clinton, & State of Iowa, having offered to pay the sum of five dollars and twenty-three cents, being the whole amount of taxes, interest, & costs then due and remaining unpaid on said property for the whole of said property, to wit: Lot number nineteen, (19,) in block six, (6,) in Arnold & Young's addition to South Clinton, for the sum of 75 cents; lot number twenty, (20,) in block six, (6,) in Arnold & Young's addition to South Clinton, for
176 the sum of 75 cents; lot number twenty-three, (23,) in block six, (6,) in Arnold & Young's addition to South Clinton, for the sum of 75 cents; lot number twenty-two, (22,) in block six, (6,) in Arnold & Young's addition to South Clinton, for the sum of 75 cents; lot number twenty-four, (24,) in block six, (6,) in Arnold & Young's addition to South Clinton, for the sum of 75 cents; lot number twenty-one, (21,) in block six, (6,) in Arnold & Young's addition to South Clinton, for the sum of 75 cents; lot number fifteen, (15,) in block seven, (7,) in Arnold & Young's addition to South Clinton, for the sum of 73 cents, which was the least quantity bid for; and payment of said sum having been by him made to the said treasurer, the said property was stricken off to him at that price; and whereas 3 years have elapsed since the date of said sale, and the said property has not been redeemed therefrom, as provided for by law: Now, therefore, I, Robert Williams, treasurer of the

county aforesaid, for & in consideration of the said sum paid to the treasurer as aforesaid, and by virtue of the statute in such case made & provided, have granted, bargained, & sold, and by these presents do grant, bargain, & sell unto the said W'm F. Coan, his heirs & assigns, the real property last hereinbefore described: To have & to hold unto him, the said W'm F. Coan, his heirs & assigns, forever; subject, however, to all the rights of redemption provided by law.

177 In witness whereof I, Robert Williams, treasurer as aforesaid, by virtue of the authority aforesaid, have hereunto subscribed my name on this 24th day of May, 1866.

R. WILLIAMS,
Treasurer.

[U. S. rev. stamp, 50 cents.]

STATE OF IOWA, *Clinton County, ss;*

I hereby certify that, before me, a notary public in & for said county, personally appeared the above-named Robert Williams, treasurer of said county, personally known to me to be the treasurer of said county, at the date of the execution of the above conveyance, & to be the identical person whose name is affixed to and who executed the above conveyance as treasurer of said county, & who acknowledged the execution of the same to be his voluntary act & deed as treasurer of said county, for the purposes therein expressed.

{ NOTARIAL SEAL OF D. WHITNEY, CLINTON CO., IOWA. } Given under my hand & seal this 24th day of May, A. D. 1866.

D. WHITNEY,
Notary Public.

STATE OF IOWA, *Clinton County:*

Exhibit "C." Filed for record the 24th day of May, A. D. 1866, at 9 o'clock a. m., and recorded in book H of town lots, on page 112.

D. WHITNEY,
Recorder.

178 EXHIBIT "B."

Know all men by these presents that, whereas the following described real property, viz: Lot number seven, (7,) in block six, (6,) in Arnold & Young's addition to South Clinton; lot number eight, (8,) in block six, (6,) in Arnold & Young's addition to South Clinton; lot number thirteen, (13,) in block six, (6,) in Arnold & Young's addition to South Clinton; lot number fourteen, (14,) in block six, (6,) in Arnold & Young's addition to South Clinton; lot number sixteen, (16,) in block six, (6,) in Arnold & Young's addition to South Clinton; lot number seventeen, (17,) in block six, (6,) in Arnold & Young's addition to South Clinton; lot number eighteen, (18,) in block six, (6,) in Arnold & Young's addition to South Clinton, situated in the county of Clinton, & State of Iowa, was subject to taxation for the years A. D. 1858, 1859, 1860, & 1861; & whereas the taxes assessed upon said real property, for the years aforesaid, remained due and unpaid at the date of the sale hereinafter named; and whereas the treasurer of the said county did, on the 6th day of October, A. D. 1862, by virtue of the authority in him vested by law, at the sale begun & publicly held on the first Monday of October, A. D. 1862, expose to public sale, at the court-house, in the county aforesaid, in substantial conformity with all the requisitions of the statute
179 in such case made & provided, the real property above described

for the payment of the taxes, interest, & costs then due & remaining unpaid on said property; and whereas, at the time & place aforesaid, W'm F. Coan, of the county of Clinton, & State of Iowa, having offered to pay the sum of five dollars and twenty-five cents, being the whole amount of taxes, interest, & costs then due & remaining unpaid on said property for the whole of said property, to wit: Lot number seven, (7,) in block six, (6,) in Arnold & Young's addition to South Clinton, for the sum of 75 cents; lot number eight, (8,) in block six, (6,) in Arnold & Young's addition to South Clinton, for the sum of 75 cents; lot number thirteen, (13,) in block six, (6,) in Arnold & Young's addition to South Clinton, for the sum of 75 cents; lot number fourteen, (14,) in block six, (6,) in Arnold & Young's addition to South Clinton, for the sum of 75 cents; lot number sixteen, (16,) in block six, (6,) in Arnold & Young's addition to South Clinton, for the sum of 75 cents; lot number seventeen, (17,) in block six, (6,) in Arnold & Young's addition to South Clinton, for the sum of 75 cents; lot number eighteen, (18,) in block six, (6,) in Arnold & Young's addition to South Clinton, for the sum of 75 cents, which was the least quantity bid for; and payment of said sum
180 having been by him made to the said treasurer, the said property was stricken off to him at that price; and whereas three years have elapsed since the date of said sale, and the said property has not been redeemed therefrom, as provided for by law: Now, therefore, I, Robert Williams, treasurer of the county aforesaid, for & in consideration of the said sum to the treasurer paid as aforesaid, and by virtue of the statute in such case made & provided, have granted, bargained, & sold, & by these presents do grant, bargain, & sell unto the said W'm F. Coan, his heirs & assigns, the real property last hereinbefore described: To have & to hold unto him, the said W'm F. Coan, his heirs & assigns, forever; subject, however, to all the rights of redemption provided by law.

In witness whereof I, Robert Williams, treasurer as aforesaid, by virtue of the authority aforesaid, have hereunto subscribed my name on this 24th day of May, 1866.

R. WILLIAMS,
Treasurer.

{U. S. rev. stamp 50 cents.}

STATE OF IOWA, *Clinton County, ss:*

I hereby certify that, before me, a notary public in & for said county, personally appeared the above-named Robert Williams, treasurer of said county, personally known to me to be the treasurer of the said county at the date of the execution of the above conveyance, & to be the identical person whose name is affixed to & who executed
181 the above conveyance as treasurer of said county, & who acknowledged the execution of the same to be his voluntary act & deed as treasurer of said county, for the purposes therein expressed.

Given under my hand & seal this 24th day of May, A. D. 1866.

{NOTARIAL SEAL OF D. WHITNEY, CLINTON COUNTY, IOWA.}

D. WHITNEY,
Notary Public.

STATE OF IOWA, *Clinton County:*

Exhibit "B." Filed for record the 24th day of May, A. D. 1866, at 9 o'clock a. m., and recorded in book H of town lots, on page 107.

D. WHITNEY, *Recorder.*

EXHIBIT "A."

Know all men by these presents, that whereas, the following described real property, viz: Lot number twenty-five, (25,) in block four, (4,) in Arnold & Young's addition to South Clinton; lot number twenty-six, (26,) in block four, (4,) in Arnold & Young's addition to South Clinton; lot number twenty-seven, (27,) in block four, (4,) in Arnold & Young's addition to South Clinton; lot number twenty-eight, (28,) in block four, (4,) in Arnold & Young's addition to South Clinton; lot number twenty-nine, (29,) in block four, (4,) in Arnold & Young's addition to South Clinton; lot number thirty, (30,) in block four, (4,) in Arnold & Young's addition to South Clinton, situated in the county
182 of Clinton, & State of Iowa, was subject to taxation for the years A. D. 1858, 1859, 1860, & 1861; & whereas the taxes assessed upon said real property for the years aforesaid, remained due & unpaid at the date of the sale hereinafter named; & whereas the treasurer of the said county, did, on the 6th day of October, A. D. 1862, by virtue of the authority in him vested by law, at the sale begun and publicly held on the first Monday of October, A. D. 1862, expose to public sale at the court-house, in the county aforesaid, in substantial conformity with all the requisitions of the statute in such case made & provided, the real property above described, for the payment of the taxes, interest, & costs then due & remaining unpaid on said property; and whereas, at the time & place aforesaid, W'm F. Coan, of the county of Clinton, & State of Iowa, having offered to pay the sum of four dollars and seventy cents, being the whole amount of taxes, interest, & costs then due & remaining unpaid on said property for the whole of said property, to wit: Lot number twenty-five, (25,) in block four, (4,) in Arnold & Young's addition to South Clinton, for the sum of seventy-nine cents; lot number twenty-six, (26,) in block four, (4,) in Arnold's & Young's addition to South Clinton, for the sum of seventy-nine cents; lot number twenty-seven, (27,) in block four, (4,) in Arnold & Young's addition to South Clinton, for the sum of 78 cents; lot number twenty-eight, (28,) in block four, (4,) in Arnold &
183 Young's addition to South Clinton for the sum of 78 cents; lot number twenty-nine, (29,) in block four, (4,) in Arnold & Young's addition to South Clinton, for the sum of 78 cents; lot number thirty, (30,) in block four, (4,) in Arnold and Young's addition to South Clinton, for the sum of 78 cents, which was the least quantity bid for; and payment of said sum having been by him made to the said treasurer, the said property was stricken off to him at that price; and whereas 3 years have elapsed since the date of said sale, and the said property has not been redeemed therefrom, as provided for by law: Now, therefore, I, Robert Williams, treasurer of the county aforesaid, for & in consideration of the said sum to the treasurer paid as aforesaid, and by virtue of the statute in such case made & provided, have granted, bargained, and sold, and by these presents do grant, bargain, & sell unto the said W'm F. Coan, his heirs & assigns, the real property last hereinbefore described: To have & to hold unto him, the said W'm F. Coan, his heirs & assigns, forever; subject, however, to all the rights of redemption provided by law. In witness whereof I, Robert Williams, treasurer as aforesaid, by virtue of the authority aforesaid, have hereunto subscribed my name on this 19th day of May, 1866.

R. WILLIAMS, *Treasurer.*

[U. S. rev. stamp. 50 cents.]

for the payment of the taxes, interest, & costs then due & remaining unpaid on said property; and whereas, at the time & place aforesaid, W'm F. Coan, of the county of Clinton, & State of Iowa, having offered to pay the sum of five dollars and twenty-five cents, being the whole amount of taxes, interest, & costs then due & remaining unpaid on said property for the whole of said property, to wit: Lot number seven, (7,) in block six, (6,) in Arnold & Young's addition to South Clinton, for the sum of 75 cents; lot number eight, (8,) in block six, (6,) in Arnold & Young's addition to South Clinton, for the sum of 75 cents; lot number thirteen, (13,) in block six, (6,) in Arnold & Young's addition to South Clinton, for the sum of 75 cents; lot number fourteen, (14,) in block six, (6,) in Arnold & Young's addition to South Clinton, for the sum of 75 cents; lot number sixteen, (16,) in block six, (6,) in Arnold & Young's addition to South Clinton, for the sum of 75 cents; lot number seventeen, (17,) in block six, (6,) in Arnold & Young's addition to South Clinton, for the sum of 75 cents; lot number eighteen, (18,) in block six, (6,) in Arnold & Young's addition to South Clinton, for the sum of 75 cents, which was the least quantity bid for; and payment of said sum
180 having been by him made to the said treasurer, the said property was stricken off to him at that price; and whereas three years have elapsed since the date of said sale, and the said property has not been redeemed therefrom, as provided for by law: Now, therefore, I, Robert Williams, treasurer of the county aforesaid, for & in consideration of the said sum to the treasurer paid as aforesaid, and by virtue of the statute in such case made & provided, have granted, bargained, & sold, & by these presents do grant, bargain, & sell unto the said W'm F. Coan, his heirs & assigns, the real property last hereinbefore described: To have & to hold unto him, the said W'm F. Coan, his heirs & assigns, forever; subject, however, to all the rights of redemption provided by law.

In witness whereof I, Robert Williams, treasurer as aforesaid, by virtue of the authority aforesaid, have hereunto subscribed my name on this 24th day of May, 1866.

R. WILLIAMS,
Treasurer.

[U. S. rev. stamp 50 cents.]

STATE OF IOWA, *Clinton County, ss:*

I hereby certify that, before me, a notary public in & for said county, personally appeared the above-named Robert Williams, treasurer of said county, personally known to me to be the treasurer of the said county at the date of the execution of the above conveyance, & to be the identical person whose name is affixed to & who executed
181 the above conveyance as treasurer of said county, & who acknowledged the execution of the same to be his voluntary act & deed as treasurer of said county, for the purposes therein expressed.

Given under my hand & seal this 24th day of May, A. D. 1866.

{NOTARIAL SEAL OF D. WHITNEY, CLINTON COUNTY, IOWA.}

D. WHITNEY,
Notary Public.

STATE OF IOWA, *Clinton County:*

Exhibit "B." Filed for record the 24th day of May, A. D. 1866, at 9 o'clock a. m., and recorded in book H of town lots, on page 107.

D. WHITNEY, *Recorder.*

EXHIBIT "A."

Know all men by these presents, that whereas, the following described real property, viz: Lot number twenty-five, (25,) in block four, (4,) in Arnold & Young's addition to South Clinton; lot number twenty-six, (26,) in block four, (4,) in Arnold & Young's addition to South Clinton; lot number twenty-seven, (27,) in block four, (4,) in Arnold & Young's addition to South Clinton; lot number twenty-eight, (28,) in block four, (4,) in Arnold & Young's addition to South Clinton; lot number twenty-nine, (29,) in block four, (4,) in Arnold & Young's addition to South Clinton; lot number thirty, (30,) in block four, (4,) in Arnold & Young's addition to South Clinton, situated in the county
182 of Clinton, & State of Iowa, was subject to taxation for the years A. D. 1858, 1859, 1860, & 1861; & whereas the taxes assessed upon said real property for the years aforesaid, remained due & unpaid at the date of the sale hereinafter named; & whereas the treasurer of the said county, did, on the 6th day of October, A. D. 1862, by virtue of the authority in him vested by law, at the sale begun and publicly held on the first Monday of October, A. D. 1862, expose to public sale at the court-house, in the county aforesaid, in substantial conformity with all the requisitions of the statute in such case made & provided, the real property above described, for the payment of the taxes, interest, & costs then due & remaining unpaid on said property; and whereas, at the time & place aforesaid, W'm F. Coan, of the county of Clinton, & State of Iowa, having offered to pay the sum of four dollars and seventy cents, being the whole amount of taxes, interest, & costs then due & remaining unpaid on said property for the whole of said property, to wit: Lot number twenty-five, (25,) in block four, (4,) in Arnold & Young's addition to South Clinton, for the sum of seventy-nine cents; lot number twenty-six, (26,) in block four, (4,) in Arnold's & Young's addition to South Clinton, for the sum of seventy-nine cents; lot number twenty-seven, (27,) in block four, (4,) in Arnold & Young's addition to South Clinton, for the sum of 78 cents; lot number twenty-eight, (28,) in block four, (4,) in Arnold &
183 Young's addition to South Clinton for the sum of 78 cents; lot number twenty-nine, (29,) in block four, (4,) in Arnold & Young's addition to South Clinton, for the sum of 78 cents; lot number thirty, (30,) in block four, (4,) in Arnold and Young's addition to South Clinton, for the sum of 78 cents, which was the least quantity bid for; and payment of said sum having been by him made to the said treasurer, the said property was stricken off to him at that price; and whereas 3 years have elapsed since the date of said sale, and the said property has not been redeemed therefrom, as provided for by law: Now, therefore, I, Robert Williams, treasurer of the county aforesaid, for & in consideration of the said sum to the treasurer paid as aforesaid, and by virtue of the statute in such case made & provided, have granted, bargained, and sold, and by these presents do grant, bargain, & sell unto the said W'm F. Coan, his heirs & assigns, the real property last hereinbefore described: To have & to hold unto him, the said W'm F. Coan, his heirs & assigns, forever; subject, however, to all the rights of redemption provided by law. In witness whereof I, Robert Williams, treasurer as aforesaid, by virtue of the authority aforesaid, have hereunto subscribed my name on this 19th day of May, 1866.

R. WILLIAMS, *Treasurer.*

[U. S. rev. stamp. 50 cents.]

184 STATE OF IOWA, *Clinton County, ss:*

I hereby certify that, before me, a notary public in & for said county, personally appeared the above-named Robert Williams, treasurer of said county, personally known to me to be the treasurer of said county at the date of the execution of the above conveyance, and to be the identical person whose name is affixed to & and who executed the above conveyance as treasurer of said county, & who acknowledged the execution of the same to be his voluntary act & deed as treasurer of said county, for the purposes therein expressed.

{NOTARIAL SEAL OF D. WHITNEY, CLINTON COUNTY, IOWA.} Given under my hand & seal this 19th day of May, A. D. 1866.

D. WHITNEY,
Notary Public.

STATE OF IOWA, *Clinton County:*

Exhibit "A." Filed for record the 19th day of May, A. D. 1866, at 1 o'clock, p. m., and recorded in book H of town lots, on page 94.

D. WHITNEY, *Recorder.*

Know all men by these presents that, whereas the following-described pieces of real property, situated in the county of Clinton, & State of Iowa, viz: Lot number seven, (7,) in block six, (6,) in Arnold & Young's addition to South Clinton, in Clinton County, Iowa; lot number
185 eight, (8,) in block six, (6,) in Arnold & Young's addition to South Clinton, in Clinton County, Iowa; lot number thirteen, (13,) in block six, (6,) in Arnold & Young's addition to South Clinton, in Clinton County, Iowa; lot number fourteen, (14,) in block six, (6,) in Arnold & Young's addition to South Clinton, in Clinton County, Iowa; lot number sixteen, (16,) in block six, (6,) in Arnold & Young's addition to South Clinton, in Clinton County, Iowa; lot number seventeen, (17,) in block six, (6,) in Arnold & Young's addition to South Clinton, in Clinton County, Iowa; lot number eighteen, (18,) in block six, (6,) in Arnold & Young's addition to South Clinton, in Clinton County, Iowa; lot number twenty-nine, (29,) in block six, (6,) in Arnold & Young's addition to South Clinton, in Clinton County, Iowa; lot number thirty, (30,) in block six, (6,) in Arnold & Young's addition to South Clinton, in Clinton County, Iowa, were each subject to taxation for the years 1858, 1859, 1860, & 1861:

And whereas, the taxes assessed upon said respective pieces of real property, for the years aforesaid, remained due and unpaid at the date of the sale hereinafter named; and whereas, the treasurer of said county did, on the 6th day of October, A. D. 1862, by virtue of the authority in him vested by law, at the sale begun & publicly held on the
186 first Monday of October, A. D. 1862, expose to public sale at the court-house, in the county aforesaid, in substantial conformity with all the requisitions of the statute in such case made & provided, the several pieces of real property above & hereinafter described separately, for the payment of taxes, the interest, and costs then due and remaining unpaid on each of said pieces of real property respectively:

And whereas, at the time and place aforesaid, the said W'm F. Coan having offered to pay the sum of 75 cents, being the whole amount of taxes, interest, & costs then due & remaining unpaid on said lots number seven, (7,) in block six, (6,) in Arnold & Young's addition to South Clinton, in Clinton County, Iowa, for the said lot last described, which was the least quantity bid for:

And whereas, at the time and place aforesaid, the said W'm F. Coan having offered to pay the sum of 75 cents, being the whole amount of taxes, interest, and costs then due and remaining unpaid on said lot number eight, (8,) in block six, (6,) in Arnold & Young's addition to South Clinton, in Clinton County, Iowa, for the said lot last described, which was the least quantity bid for:

And whereas, at the time & place aforesaid, the said W'm F. Coan having offered to pay the sum of 75 cents, being the whole
187 amount of taxes, interest, & costs then due and remaining unpaid on said lot number thirteen, (13,) in block six, (6,) in Arnold & Young's addition to South Clinton, in Clinton County, Iowa, for the said lot last described, which was the least quantity bid for:

And whereas, at the time and place aforesaid, the said W'm F. Coan having offered to pay the sum of 75 cents, being the whole amount of taxes, interest, & costs then due and remaining unpaid on said lot number fourteeen, (14,) in block six, (6,) in Arnold & Young's addition to South Clinton, in Clinton County, Iowa, for the said lot last described, which was the least quantity bid for:

And whereas, at the time and place aforesaid, the said W'm F. Coan having offered to pay the sum of 75 cents, being the whole amount of taxes, interest, & costs then due & remaining unpaid on said lot number sixteen, in block six, (6,) in Arnold & Young's addition to South Clinton, in Clinton County, Iowa, for the said lot last described, which was the least quantity bid for:

And whereas, at the time & place aforesaid, the said W'm F. Coan having offered to pay the sum 75 cents, being the whole amount of taxes, interest, & costs then due & remaining unpaid on said lot number seventeen, (17,) in block six, (6,) in Arnold & Young's addition to South Clinton, in Clinton County, Iowa, for the said lot last de-
188 scribed, which was the least quantity bid for:

And whereas, at the time & place aforesaid, the said W'm F. Coan having offered to pay the said sum of 75 cents, being the whole amount of taxes, interests, & costs then due and remaining unpaid on said lot number eighteen, (18,) in block six, (6,) in Arnold & Young's addition to South Clinton, in Clinton County, Iowa, for the said lot last described, which was the least quantity bid for:

And whereas, at the time & place aforesaid, the said W'm F. Coan having offered to pay the sum of 78 cents, being the whole amount of taxes, interest, & costs then due and remaining unpaid on said lot number twenty-nine, (29,) in block six, (6,) in Arnold & Young's addition to South Clinton, in Clinton County, Iowa, for the said lot last described, which was the least quantity bid for:

And whereas, at the time & place aforesaid, the said W'm F. Coan having offered to pay the sum of 78 cents, being the whole amount of taxes, interest, & costs then due & remaining unpaid on said lot number thirty, (30,) in block six, (6,) in Arnold's & Young's addition to South Clinton, in Clinton County, Iowa, for the said lot last described, which was the least quantity bid for; and payment of the said several sums of money having been by him made to the said treasurer, the said respective pieces of property were respectively stricken off to him at the respective prices aforesaid:

189 And whereas 3 years have elapsed since the date of said sale, and the said respective pieces of property have not been redeemed therefrom, as provided for by law, nor either of them, nor any part thereof, this deed is given, because it is claimed that deeds are informal:

Now, therefore, I, Robert Williams, treasurer of the county aforesaid,

for and in consideration of the said several sums of money, to the treasurer paid as aforesaid, & by virtue of the statute in such case made & provided, have granted, bargained, & sold, and by these presents do grant, bargain, & sell unto the said W'm F. Coan, his heirs & assigns, the several pieces of real property which were stricken off to him at the said sale as hereinbefore described: To have & to hold unto the said W'm F. Coan, his heirs & assigns, forever; subject, however, to all the rights of redemption provided by law.

In witness whereof I, Robert Williams, treasurer as aforesaid, by virtue of authority as aforesaid, have hereunto subscribed my name on this 24th day of November, A. D. 1868.

ROBERT WILLIAMS,
Treasurer.

[U. S. rev. stamp, 50 cents.]

STATE OF IOWA, *Clinton County, ss:*

I hereby certify that, before me, a notary public in & for said county, personally appeared the above-named Robert Williams, treasurer of said county, personally known to me to be the treasurer of said
190 county at the date of the execution of the above conveyance, and to be the identical person whose name is affixed to and who executed the above conveyance as treasurer of said county, and who acknowledged the execution of the same to be his voluntary act & deed as treasurer of said county, for the purposes therein expressed.

NOTARIAL SEAL OF J. D. FEGAN, CLINTON COUNTY, IOWA.

Given under my hand & seal this 24th day of November, A. D. 1868.

J. D. FEGAN,
Notary Public.

Treasurer's tax deed, marked Exhibit "E." State of Iowa, Clinton County. Filed for record on the 24th day of November, A. D. 1868, at 3.20 p. m. Recorded in book J, town lots.

J. D. FEGAN,
County Recorder.

Know all men by these presents that, whereas, the following-described pieces of real property, situated in the county of Clinton, and State of Iowa, viz: Lot number sixteen, (16,) in block five, (5,) in Arnold & Young's addition to South Clinton, in Clinton County, Iowa; lot number nine, (9,) in block six, (6,) in Arnold & Young's addition to South Clinton, in Clinton County, Iowa; lot number ten, (10,) in block six, (6,) in Arnold & Young's addition to South Clinton, in Clinton County, Iowa; lot number fifteen, (15,) in block six, 6,) in Arnold & Young's addition to South Clinton, in Clinton County, Iowa; lot number one, (1,) in
191 block six, (6,) in Arnold & Young's addition to South Clinton, in Clinton County, Iowa; lot number two, (2,) in block six, (6,) in Arnold & Young's addition to South Clinton, in Clinton County, Iowa; lot number five, (5,) in block six, (6,) in Arnold & Young's addition to South Clinton, in Clinton County, Iowa; lot number six, (6,) in block six, (6,) in Arnold & Young's addition so South Clinton, in Clinton County, Iowa; lot number twenty-seven, (27,) in block four, (4,) in Arnold & Young's addition to South Clinton, in Clinton County, Iowa; lot number twenty-eight, (28,) in block four, (4,) in Arnold & Young's addition, to South Clinton, in Clinton County, Iowa, were each subject to taxation for the years 1858, 1859, 1860, & 1861; and whereas, the taxes assessed upon said respective pieces of real property, for the years afore-

said, remained due & unpaid at the date of the sale hereinafter named; and whereas the treasurer of said county did, on the 6th day of October, A. D. 1862, by virtue of the authority in him vested by law, at the sale, begun & publicly held on the first Monday of October, A. D. 1862, expose to public sale at the court-house, in the county aforesaid, in substantial conformity with all of the requisitions of the statute in such case made & provided, the several pieces of real property, above & hereinafter described, separately, for the payment of taxes, the interests, & costs then due & remaining unpaid on each of said
192 pieces of real property, respectively; and whereas, at the time & place aforesaid, the said W'm F. Coan having offered to pay the sum of 39 cents, being the whole amount of taxes, interest, & costs then due and remaining unpaid on said lot number sixteen, in block five, (5,) in Arnold & Young's addition to South Clinton, in Clinton County, Iowa, for the said lot last described, which was the least quantity bid for; and whereas, at the time and place aforesaid, the said W'm F. Coan having offered to pay the sum of 76 cents, being the whole amount of taxes, interest, & costs then due and remaining unpaid on said lot number nine, (9,) in block six, (6,) in Arnold & Young's addition to South Clinton, in Clinton County, Iowa, for the said lot last described, which was the least quantity bid for; and whereas, at the time and place aforesaid, the said W'm F. Coan having offered to pay the sum of 75 cents, being the whole amount of taxes, interest, & costs then due & remaining unpaid on said lot number *number* ten, (10,) in block six, (6,) in Arnold & Young's addition to South Clinton, in Clinton County, Iowa, for the said lot last described, which was the least quantity bid for; and whereas, at the time & place aforesaid, the said W'm F. Coan having offered to pay the sum of 75 cents, being the whole amount of taxes, interest, & costs then due & remaining unpaid on said lot number fifteen, (15,) in block six, (6,) in Arnold &
193 Young's addition to South Clinton, in Clinton County, Iowa, for the said lot last described, which was the least quantity bid for; and whereas, at the time & place aforesaid, the said W'm F. Coan having offered to pay the sum of 75 cents, being the whole amount of taxes, interest, & costs then due & remaining unpaid on said lot number one, (1,) in block six, (6,) in Arnold & Young's addition to South Clinton, in Clinton County, Iowa, for the said lot last described, which was the least quantity bid for; and, whereas, at the time & place aforesaid, the said W'm F. Coan having offered to pay the sum of 75 cents, being the whole amount of taxes, interest, & costs then due & remaining unpaid on said lot number two, (2,) in block six, (6,) in Arnold & Young's addition to South Clinton, in Clinton County, Iowa, for the said lot last described, which was the least quantity bid for; and whereas, at the time & place aforesaid, the said W'm F. Coan having offered to pay the sum of 75 cents, being the whole amount of taxes, interest, & costs then due & remaining unpaid on said lot number five, (5,) in block six, (6,) in Arnold & Young's addition to South Clinton, in Clinton County, Iowa, for the said lot last described, which was the least quantity bid for; and whereas, at the time & place aforesaid, the said W'm F. Coan having offered to pay the sum of 75 cents, being the whole amount of taxes, interest, & costs then due and remaining unpaid on said lot
193½ number six, (6,) in block six, (6,) in Arnold & Young's addition to South Clinton, in Clinton County, Iowa, for the said lot last described, which was the least quantity bid for; and whereas, at the time & place aforesaid, the said W'm F. Coan having offered to pay the sum of 78 cents, being the whole amount of taxes, interest, & costs then

due and remaining unpaid on said lot number twenty-seven, (27,) in block four, (4,) in Arnold & Young's addition to South Clinton, in Clinton County, Iowa, for the said lot last described, which was the least quantity bid for; and whereas, at the time & place aforesaid, the said W'm F. Coan having offered to pay the sum of 78 cents, being the whole amount of taxes, interest, & costs then due & remaining unpaid on said lot number twenty-eight, (28,) in block four, (4,) in Arnold & Young's addition to South Clinton, in Clinton County, Iowa, for the said lot last described, which was the least quantity bid for; and payment of the said several sums of money having been by him made to the said treasurer, the said respective pieces of property were, respectively, stricken off to him at the respective prices aforesaid; and whereas 3 years have elapsed since the date of said sale, and the said respective pieces of property have not been redeemed therefrom, as provided for by law, nor either of
194 them, nor any part thereof, this deed is given, because it is claimed that prior deeds are informal: Now, therefore, I, Robert Williams, treasurer of the county aforesaid, for and in consideration of the said several sums of money to the treasurer paid as aforesaid, and by virtue of the statute in such case made & provided, have granted, bargained, & sold, and by these presents do grant, bargain, & sell unto the said W'm F. Coan, his heirs & assigns, the several pieces of real property which were stricken off to him at the said sale, as hereinbefore described: To have & to hold unto him, the said W'm F. Coan, his heirs & assigns forever, subject, however, to all the rights of redemption provided by law.

In witness whereof I, Robert Williams, treasurer as aforesaid, by virtue of the authority as aforesaid, have hereunto subscribed my name on this 24th day of November, A. D. 1868.

ROBERT WILLIAMS,
Treasurer.

[U. S. rev. stamp, 50 cents.]

STATE OF IOWA, *Clinton County, ss:*

I hereby certify that, before me, a notary public in & for said county, personally appeared the above-named Robert Williams, treasurer of said county, personally known to me to be the treasurer of said county at the date of the execution of the above conveyance, and to be the identical person whose name is affixed to and who executed the
195 above conveyance as treasurer of said county, and who acknowledged the execution of the same to be his voluntary act and deed as treasurer of said county, for the purposes therein expressed.

NOTARIAL SEAL OF J. D. FEGAN, CLINTON COUNTY, IOWA.

Given under my hand & seal this 24th day of November, A. D. 1868.

J. D. FEGAN,
Notary Public.

Treasurer's tax-deed. Exhibit "F." State of Iowa, Clinton County. Filed for record on the 24th day of November, A. D. 1868, at 3.20 p. m. Entered for taxation this 24th day of November, 1868. Recorded in book J, of town lots.

J. D. FEGAN,
County Recorder.

Know all men by these presents that, whereas the following-described pieces of real property situated in the county of Clinton and State of Iowa, viz: Lot number nineteen, (19,) in block six, (6,) in Arnold &

Young's addition to South Clinton, in Clinton County, Iowa; lot number twenty, (20,) in block six, (6,) in Arnold & Young's addition to South Clinton, in Clinton County, Iowa; lot number twenty-three, (23,) in block six, (6,) in Arnold & Young's addition to South Clinton, in Clinton County, Iowa; lot number twenty-two, (22,) in block six, (6,) in Arnold & Young's addition to South Clinton, in Clinton County, Iowa; lot number twenty-four, (24,) in block six, (6,) in Arnold & Young's addition to South Clinton, in Clinton County, Iowa;
196 lot number twenty-one, (21,) in block six, (6,) in Arnold & Young's addition to South Clinton, in Clinton County, Iowa; lot number fifteen, (15,) in block seven, (7,) in Arnold & Young's addition to South Clinton, in Clinton County, Iowa; lot number twenty-five, (25,) in block four. (4,) in Arnold & Young's addition to South Clinton, in Clinton County, Iowa; lot number twenty-six, (26,) in block four, (4,) in Arnold & Young's addition to South Clinton, in Clinton County, Iowa, were each subject to taxation for the years 1858, 1859, 1860, & 1861; and whereas the taxes assessed upon said respective pieces of real property for the year aforesaid, remained due & unpaid at the date of the sale hereinafter named; and whereas the treasurer of said county did, on the 6th day of October, A. D., 1862, by virtue of the authority in him vested by law, at the sale, begun & publicly held on the first Monday of October, A. D. 1862, expose to public sale at the court-house, in the county aforesaid, in substantial conformity with all of the requisitions of the statute in such case made & provided, the several pieces of real property above and hereinafter described, separately, for the payment of taxes, the interest, & costs then due & remaining unpaid on each of said pieces of real property respectively; and whereas, at the time & place aforesaid, the said W'm F. Coan having offered to pay the
197 sum of 75 cents, being the whole amount of taxes, interest, & costs then due & remaining unpaid on said lot number nineteen, (19,) in block six, (6,) in Arnold & Young's addition to South Clinton, in Clinton County, Iowa, for the said lot last described, which was the least quantity bid for; and whereas, at the time & place aforesaid, the said W'm F. Coan having offered to pay the sum of 75 cents, being the whole amount of taxes, interest, & costs then due & remaining unpaid on said lot number twenty, (20,) in block six, (6,) in Arnold & Young's addition to South Clinton, in Clinton County, Iowa, for the said lot last described, which was the least quantity bid for; and whereas, at the time & place aforesaid, the said W'm F. Coan having offered to pay the sum of 75 cents, being the whole amount of taxes, interest, & costs then due & remaining unpaid on said lot number twenty-three, (23,) in block six, (6,) in Arnold & Young's addition to South Clinton, in Clinton County, Iowa, for the said lot last described, which was the least quantity bid for; and whereas, at the time & place aforesaid, the said W'm F. Coan having offered to pay the sum of 75 cents, being the whole amount of taxes, interest, & costs the' due & remaining unpaid on said lot number twenty-two, (22,) in block six, (6,) in Arnold & Young's
198 addition to South Clinton, in Clinton County, Iowa, for the said lot last described, which was the least quantity bid for; and whereas, at the time & place aforesaid, the said W'm F. Coan having offered to pay the sum of 75 cents, being the whole amount of taxes, interest, & costs then due & remaining unpaid on said lot number twenty-four, (24,) in block six, (6,) in Arnold & Young's addition to South Clinton, in Clinton County, Iowa, for the said lot last described, which was the least quantity bid for; and whereas, at the time & place aforesaid, the said W'm F. Coan having offered to pay the sum of 75

cents, being the whole amount of taxes, interest, & costs the' due & remaining unpaid on said lot number twenty-one, (21,) in block six, (6,) in Arnold & Young's addition to South Clinton, in Clinton County, Iowa, for the said lot last described, which was the least quantity bid for; and whereas, at the time & place aforesaid, the said W'm F. Coan having offered to pay the sum of 73 cents, being the whole amount of taxes, interest, & costs then due & remaining unpaid of said lot number fifteen, (15,) in block number seven, (7,) in Arnold & Young's addition to South Clinton, in Clinton County, Iowa, for the said lot last described, which was the least quantity bid for; and whereas, at the time & place aforesaid, the said W'm F.
199 Coan having offered to pay the sum of 79 cents, being the whole amount of taxes, interests, & costs then due and remaining unpaid on said lot number twenty five, (25,) in block four, (4,) in Arnold & Young's addition of South Clinton, in Clinton County, Iowa, for the said lot last described, which was the least quantity bid for; and whereas, at the time & place aforesaid, the said W'm F. Coan having offered to pay the sum of 79 cents, being the whole amount of taxes, interest, & costs then due & remaining unpaid on said lot number twenty-six, (26,) in block four, (4,) in Arnold and Young's addition to South Clinton, in Clinton County, Iowa, for the said lot last described, which was the least quantity bid for; and payment of the said several sums of money having been by him made to the said treasurer, the said respective pieces of property were respectively stricken off to him at the respective prices aforesaid; and whereas 3 years have elapsed since the date of said sale, and the said respective pieces of property have not been redeemed therefrom, as provided for by law, nor either of them, nor any part thereof, this deed is given because it is claimed that prior deeds are informal: Now, therefore, I, Robert Williams, treasurer of the county aforesaid, for and in consideration of the said several
200 sums of money to the treasurer paid as aforesaid, and by virtue of the statute in such case made & provided, have granted, bargained, & sold, and by these presents do grant, bargain, & sell unto the said W'm F. Coan, his heirs & assigns, the several pieces of real property which were stricken off to him at the said sale, as hereinbefore described: To have & to hold unto him, the said W'm F. Coan, his heirs and assigns, forever; subject, however, to all the rights of redemption provided by law. In witness whereof I, Robert Williams, treasurer as aforesaid, by virtue of authority as aforesaid, have hereunto subscribed my name on this 24th day of November, A. D. 1868.

ROBERT WILLIAMS,
Treasurer.

[U. S. rev. stamp, 50 cents.]

STATE OF IOWA, *Clinton County, ss:*

I hereby certify that, before me, a notary public in & for said county, personally appeared the above-named Robert Williams, treasurer of said county, personally known to me to be the treasurer of said county at the date of the execution of the above conveyance, and to be the identical person whose name is affixed to and who executed the above conveyance as treasurer of said county, and who acknowledged the execution of the same to be his voluntary act & deed as
201 treasurer of said county, for the purposes therein expressed.

Given under my hand & seal this 24th day of Nov., A. D. 1868.

{NOTARIAL SEAL OF J. D. FEGAN, CLINTON CO., IOWA.}

J. D. FEGAN,
Notary Public.

Treasurer's tax deed, marked Exhibit "G." State of Iowa, Clinton County. Filed for record on the 24th day of November, A. D. 1868, at 3.20 p. m. Entered for taxation on this 24th day of Nov., A. D. 1868. Recorded in book J of town lots.

J. D. FEGAN,
County Recorder.

Warranty deed.

This deed of bargain and sale, made & executed the first day of Sept., A. D. 1866, by and between Dwight Reed & Caroline W., his wife, of the county of Wayne, & State of Pennsylvania, party of the first part, and W'm F. Coan, of the county of Clinton, & State of Iowa, of the second part, witnesseth: That the said parties of the first part, for and in consideration of the sum of one thousand dollars to them paid by the said party of the second part, the receipt whereof is hereby acknowledged, here granted and sold, and do by these presents grant, bargain, sell, convey, & confirm unto the said party of the second part, his heirs and assigns, forever, the certain tract or parcel of real estate situated in the county of Clinton, State of Iowa, to wit: Lots number twenty-five, (25,) twenty-six, (26,) twenty-seven, (27,) twenty-eight, (28,) twenty-nine, (29,) & thirty, (30,) in block
202 four, (4;) lots number one, (1,) two, (2,) five, (5,) six, (6,) seven, (7,) eight, (8,) nine, (9,) ten, (10,) thirteen, (13,) fourteen, (14,) fifteen, (15,) sixteen, (16,) seventeen, (17,) eighteen, (18,) nineteen, (19,) twenty, (20,) twenty-one, (21,) twenty-two, (22,) twenty-three, (23,) and twenty-four, (24,) in block six, (6;) lots number twenty, (20,) twenty-one, (21,) twenty-two, (22,) twenty-three, (23,) and twenty-four, (24,) in block seven, (7,) as said lots are laid down and described on the plat of Arnold and Young's addition to South Clinton, recorded in the office of the recorder of said county of Clinton. Said several lots are conveyed, expressly subject to the tax-titles held by said W'm F. Coan, said tax-title being excepted from the operation & effect of the below-mentioned covenants: To have & to hold the premises above described, with all the appurtenances thereto belonging, unto the said second party & to his heirs & assigns, forever. The said Dwight Reed, hereby covenanting for himself, his heirs, executors, and administrators, that the above-described premises are free from any incumbrance; that he has full right, power, & authority to sell the same, and he will warrant and defend the title unto the said party of the second part, his heirs & assigns, against the claims of all persons whomsoever lawfully claiming the same; and the same Caroline W., wife of the said Dwight Reed, hereby relinquishes all her right of dower in & to the foregoing described premises. In witness whereof the said par-
203 ties of the first part have hereunto set their hands & seals the day & year first above-written.

DWIGHT REED. [L. S.]
CAROLINE W. REED. [L. S.]

[Gov. stamp, $1 00.]

JOHN MCINTOSH.

STATE OF PENNSYLVANIA,
Wayne County, ss:

Be it remembered that, on this fourth day of September, A. D. 1866, before the undersigned, a notary public in & for Wayne County, *in &*

for said county, came Dwight Reed & Caroline W., his wife, to me personally known to be the identical persons whose names are subscribed to the foregoing deed as grantor, and acknowledged the instrument to be their voluntary act & deed, & that they executed the same for the purposes therein mentioned.

Witness my hand & notarial seal by me affixed the day & year last above written.

JOHN McINTOSH,
Notary Public.

STATE OF IOWA, *Clinton County, ss:*

I, J. D. Fegan, recorder of Clinton County, State of Iowa, do hereby certify that the foregoing is a true & correct copy of a deed recorded in book No. 3, of town lots, Clinton County records, page 374, as the same is recorded.

Witness my hand, done at office in De Witt, this 14th day of January, A. D. 1869.

J. D. FEGAN,
Recorder Clinton County, Iowa.

[U. S. rev. stamp 5 cents, cancelled]

204 The foregoing is a warranty deed, marked Exhibit H—Dwight Reed & wife to W'm F. Coan, State of Iowa, Clinton County—filed for record this 6th day of October, A. D. 1866, at 9 o'clock a. m. and recorded in book 3 of town lots, on page 374.

J. D. FEGAN, *Recorder.*

Know all men by the presents that Z. W. Arnold, of Clinton County, & State of Iowa, in consideration of the sum of three thousand dollars, in hand paid by Dwight Reed, of Hornesdale, Wayne County, & State of Pennsylvania, do hereby grant, bargain, sell, and convey unto the said Dwight Reed, the following described premises situated in the county of Clinton, & State of Iowa, to wit: Lots number 25, 26, 27, 28, 29, & 30, in block 4; lots number 1, 2, 5, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17, 18, 19, 20, 21, & 22, in block 6; and lots 23 & 24, in block 6; and lots number 20, 21, 22, 23, & 24, in block 7, and three hundred feet, more or less, on the south side of 9th avenue, lying between lands owned by Dart & Manning, & lands owned by Long & Blake, in block numbered three, (3;) all of above described lands lying and being in Arnold and Young's addition to South Clinton, in Clinton County, & State of Iowa, the same as laid down & platted upon a plat of said addition, and recorded in the recorder's office of Clinton County, Iowa, with all and singular the appurtenances. And I do hereby covenant with the
205 said Dwight Reed that I am lawfully seized of said premises; that they are free from all encumbrances; that I have good right & lawful authority to sell the same; & I do hereby covenant to warrant & defend said premises against the lawful claims of all persons whomsoever against my own acts. And the said S. T. Arnold, wife of the said Z. W. Arnold, hereby relinquishes all her right and claims of dower in said premises.

In witness whereof we have hereunto set our hands & seals this 7th day of March, A. D. 1859.

Z. W. ARNOLD. [SEAL.]
S. T. ARNOLD. [SEAL.]

Signed and executed in presence of—

STATE OF IOWA, *Clinton County, ss:*

I do hereby certify that, before me, a notary public in & for said county, personally appeared the above-named Z. W. Arnold & S. T. Arnold, who are personally known to me to be the identical persons whose names are affixed to the above conveyance as grantors, and acknowledged the execution of the same to be their voluntary act & deed for the purposes therein mentioned.

Given under my hand and notarial seal this 11th day of April, 1869.

[SEAL.] SAMUEL CROZIER,
Notary Public.

STATE OF IOWA, *Clinton County, ss:*

I, J. D. Fegan, recorder of the county of Clinton, & State of
206 Iowa, do hereby certify that the foregoing is a true and correct copy of a deed recorded in book "B" of town lots, recorder's page 597, of Clinton County records. Witness my hand, done officially at office in De Witt, Clinton County, this 12th day of January A. D. 1869.

J. D. FEGAN,
Recorder Clinton County, Iowa.

STATE OF IOWA, *County of Clinton, ss:*

In district court for said county.

EUNICE N. GRAY, PLAINTIFF,
vs.
W'M F. COAN, PATRICK JUDGE, CORNELIUS SHAY, Patrick Haley, Owin Melvin, W'm Rogan, Timothy Haley, Patrick Riley & Anthony Rowan, defendants.

W'm F. Coan, being by me first duly sworn, deposes & says that he is one of the defendants in the above-entitled cause; that the deeds, made by Z. W. Arnold and wife to Dwight Reed, dated March 7th, 1859, and recorded in the office of the recorder of said county of Clinton, in book B of deeds, on page 597, does not belong to any of the defendants in this case, & that the same is not within the control of any of said defendants.

W'M F. COAN.

NOTARIAL SEAL OF WALTER I. HAYES, CLINTON COUNTY, IOWA. Subscribed & sworn to before me & in my presence by said W'm F. Coan, this 18th day of Jan., 1869. In witness whereof I have hereunto set my hand & seal.

WALTER I. HAYES, *Notary Public.*

207 STATE OF IOWA, *Clinton County, ss:*

In district court.

EUNICE N. GRAY
vs.
W'M F. COAN ET AL.

1st. Plaintiff objects, on the taking of depositions before K. W.

Wheeler, on this 18th day of January, 1869, in this case, to Exhibits G, F, & E, because the same were made by the treasurer of Clinton County without authority, & were therefor void, & as improper testimony in this case.

2nd. Plaintiff also objects to Exhibits H & I, for the reason that Exhibit H conveyed no title to defendant as the had no title in the premises, & to Exhibit I plaintiff objects & excepts to as evidence for the reason that Exhibit I was & is a mortgage merely, & not a deed.

D. GRAY, *Plaintiff's Attorney.*

STATE OF IOWA, *Clinton County, ss:*

I, K. W. Wheeler, a notary public in & for said county, and commissioner per agreement of parties in the above-entitled suit, do hereby certify that the foregoing depositions of Robert Williams, J. D. Fegan, & D. Whitney were, pursuant to the notice hereto attached, taken before me, and reduced to writing at the time & place therein mentioned, & at same time & place the same were read over to said witnesses,
208 and subscribed & sworn to by each of them, and in my presence, & that the exhibits thereto attached were produced as on said depositions referred to & by consent, and at the request of the parties attached & made a part of their sworn depositions as aforesaid.

NOTARIAL SEAL OF K. W. WHEELER, CLINTON CO., IOWA.

In witness whereof I have hereunto set my hand & notarial seal at De Witt, in said county, this 18th day of Jan., 1869.

K. W. WHEELER, *Notary Public.*

[U. S. rev. stamp 5 cents.]

(Endorsed, as follows:) 2098. Eunice N. Gray vs. W'm T. Coan, Patrick Judge, et al. Depositions on part of defendant. Robert Williams, D. Whitney, J. D. Fegan. Commissioner's fees, $5 00.

STATE OF IOWA, *Clinton County, ss:*

I, Noel B. Howard, clerk of the district court in & for said county, do hereby certify that the depositions hereto attached, are the original depositions taken in the case No. 2098, wherein Eunice N. Gray was plaintiff, & W'm F. Coan was defendant, & filed in my office.

Witness Noel B. Howard, clerk of the district court in & for
209 said county, & the seal of said court hereunto affixed at Clinton City this 25th day of January, A. D. 1870.

[SEAL OF DISTRICT COURT.] N. B. HOWARD, *Clerk.*

[U. S. rev. stamp 5 cents.]

STATE OF IOWA, *Cedar County:*

I, W'm Elliott, clerk of the district court in & for said county, do hereby certify that the attached depositions were used in evidence in the case of Eunice N. Gray vs. W'm F. Coan, being on change of venue from Clinton County, & tried before Hon. James H. Rothrock, judge of the 8th judicial district of the State of Iowa, at Tipton, in said county, on 28th day of January, 1870. Witness my hand and the seal of the district court of said county, at Tipton therein, this 3rd day of May, 1870.

SEAL OF CEDAR COUNTY DISTRICT COURT.

W'M ELLIOTT,
Clerk of Dist. Court.

210 (Indorsed:) 2098. Depositions. E. N. Gray vs. W'm F. Coan. Change of venue from Clinton Co., Iowa. Filed Jan. 28th, 1870. W'm Elliott, clerk.

211 STATE OF IOWA, *Clinton County, ss:*

Walter I Hayes, being by me first duly sworn, deposes & says that, on the 28th day of December, A. D. 1868, he served personally upon D. Gray a notice of which the annexed is a true copy; that said service was made by reading said notice to said D. Gray, and delivering to him a true copy thereof at the city of Clinton, county of Clinton, & State of Iowa.

WALTER I. HAYES.

Subscribed and sworn to before me & in my presence, by said Walter I. Hayes, this 28th day of December, A. D. 1868.

Witness my hand & seal by me affixed, the day & year above mentioned.

[NOTARIAL SEAL.] F. P. WILCOX,
Notary Public.

STATE OF IOWA, *County of Clinton, ss:*

In district court for said county.

EUNICE N. GRAY, PLAINTIFF,
vs.
W'M F. COAN & W. I. HAYES, DEF.

Take notice that J. D. Fegan, Robert Williams, W'm Familton, Horace Anthony, & such other witnesses as said defendants may desire to examine, will be examined, and their depositions taken in the above-entitled cause, on the 18th day of Jan., A. D. 1869, before K. W. Wheeler, esq., a notary public in & for said county, at his office in the town of De Witt, in said county & State, commencing at 9 o'clock in the forenoon of said day.

212 December 26th, 1868.

Yours, &c.,

WALTER I. HAYES,
Attorney for Defendants.

To D. GRAY, Esq.,
Attorney for Plaintiffs.

Depositions of witnesses produced, & sworn, and examined at my office, at De Witt, in the county of Clinton, in the State of Iowa, before me, the undersigned, notary public in & for said county, in pursuance of the annexed commission or notice to me directed, in an action now pending in the district court of the State of Iowa, in & for said county, wherein Eunice N. Gray is plaintiff, & W'm F. Coan & Walter I. Hayes are defendants, upon the behalf of the defendants—present, the plaintiff, by D. Gray, her attorney, & the defendants, by Walter I. Hayes, their attorney.

ROBERT WILLIAMS, being produced, sworn, & examined on the part of the defendants, deposed as follows:

1st interrogatory. Where do you reside?

Ans. 1st. I reside at DeWitt, in Clinton County, Iowa.

Int. 2nd. What office do you hold, & how long have you held it?

Ans. 2nd. I am county treasurer of Clinton County, Iowa; have held the office for 3 years.

Int. 3rd. Did or did you not execute the deeds hereunto attached, marked Exhibits A, B, C, D, & E, at the time they bear date, and acknowledged the same as stated in said deeds.

213 (Exhibits D & E are objected to on the ground that they are duplicates, & filed without authority, and are, therefore, void. Filed March 6th, 1868. And Exhibits A, B, & C, are objected to for the reason the lots have been redeemed, & that the smallest portion of the lots were not sold for the tax assessed. The deeds are null & void upon their face after the above reason. These objections are by the plaintiff. Plaintiff further objects that the witness had no authority to execute or file the deeds.)

Ans. to int. 3rd. I signed the deeds & acknowledged the same at the time they bear date.

Cross-interrogatories propounded the witness on behalf of plaintiff:

1st cross-interrog. At the time you executed the above deeds was there any record in your office that the same had been redeemed?

Ans. to 1st cross-int. I think not. If I had found any I should not have given the deeds.

2nd cross-interrog. Is there any record in your office of any subsequent sale of the lots mentioned in the deeds?

Ans. to 2d cross-int. I cannot tell without examining the records.

3d cross-interrog. Were there any sales for the years 1863 & 1864, of the lots in question?

Ans. to 3d cross-interrog. I don't know.

4th cross interrog. Have you the records of the sales of 1863 & 1864 in your office?

(Objected to as immaterial.)

Ans. to 4th cross-int. I have.

5th cross-interrog. Will you examine the records?

214 Ans. to 5th cross-int. I will examine them at any time when you will come to the office with me.

6th cross-interrog. Will you examine the original records now presented to you?

Ans. to 6th cross-int. I will examine them at any time you will come to my office.

7th cross-interrog. Will you refer to the records in your office & produce them before the commissions?

Ans. to 7th cross-int. I do not chose to take the records out of my office.

8th cross-interrog. Are some of the deeds duplicates of the lots contained in them?

Ans. to 8th cross-int. I should not call them so.

9th cross-interrog. Have their been 2 deeds filed of different dates, for any of the lots contained in those deeds?

Ans. to 9th cross-int. I suppose two deeds have been given, to correct errors in deeds previously given.

10th cross-interrog. How long after the first deeds before the others were given?

Ans. to 10th cross-int. The first deed was given 19th of May, 1866, and the other the 5th of March, 1868.

11th cross-interrog. How come you to file the second deed?

Ans. to 11th cross-int. I don't file deeds.

12th cross interrog. How came you to execute them?

Ans. to 12th cross-inter. I did so at the request of Mr. Hayes, as agent for Mr. Coan, as I understood the matter.

13th cross-interrog. Did you have an order from any court to execute those deeds?

Ans. to 13th cross-int. No.

14th cross-interrog. Have you ever had any order served upon you to execute said deeds?

215 Ans. to 14th cross-int. No.

15th cross-interrog. For what purpose did you execute the deeds?

Ans. to 15th cross-int. I suppose to correct errors in deeds previously given.

ROBERT WILLIAMS.

D. WHITNEY, being produced, sworn, and examined on the part of the defendants, deposed as follows:

Interrog. 1st. Where do you reside?

Ans. 1st. At DeWitt, Clinton County, Iowa.

Int. 2d. Were you at any time deputy treasurer of Clinton County, Iowa; if so, when?

Ans. 2d. I was deputy treasurer from 1861 to Jan. 1st, 1865—four years.

Int. 3d. Did you, during that time, make the sales of lands for taxes in the county?

Ans. 3d. Some portion of the time; sometimes when Mr. Anthony was absent. When he was present both were at the sales. In the year 1862, I made the sale.

Int. 4th. Do you remember the sales of lots in that year to W'm F. Coan?

Ans. 4th. I remember selling lots to him & other parties, in Arnold & Young's addition, and in South Clinton.

Int. 5th. State how lots at those sales were offered, bid off, & sold. (Objected to by plaintiff, that the record is the best evidence of lots, time of sale, & who purchased.)

Ans. 5th. Our rule & custom was when there were any number of lots in rotation in a block, to offer lot 1 first for sale, and sold to the

216 bidder who would take the smallest portion of the lot, and then offered lot next in rotation, in the same manner, & so on; no two or more lots were sold together.

Cross-examined by plaintiff:

1st cross-interrog. Is the description in the deeds of the sale, Exhibit C, as the sale was made?

Ans. to 1st cross-inter. The deed does not recite that the same was sold separate. They were sold separate, although extended deed together, on tax-sale register, to economize space.

2d cross-interrog. Will you give the manner & language used at the sale?

Ans. to 2d cross-inter. We would call for instance lot 1, block 4, Arnold & Young's addition, to South Clinton, and whoever bid upon it, it was struck off to him, unless some one bid lower [The lot was offered to the one that would take the smallest portion of the same for the tax & sold to that person.]

3rd cross-interrog. Was it so declared at the time?

Ans. to 3d cross-inter. It was.

(That portion of answer to cross-interrogatory 2, embraced in brackets, is objected to by plaintiff for the reason the same is not responsive to the question.)

4th cross-interrog. Was Mr. Coan the purchaser of the lots mentioned in those deeds?

Ans. to 4th cross-int. Yes.

5th cross-interrog. Was he the first bidder?

Ans. to 5th cross-int. He was, I presume.

6th cross-interrog. Was there any other bidder?

Ans. to 6th cross-int. I think there were no other bidders.

217 7th cross-interrog. Was there any other bidder for any of those lots mentioned in the deeds?

Ans. to 7th cross-int. I think not.

8th cross-interrog. In putting up the lots, did you name the lot and the amount of the tax?

Ans. to 8th cross-int. We named the lot, and asked who would take the lot for the amount due, stating it as near as possible.

9th cross-interrog. Was there any other rates for those lots subsequently?

(Objected to by defendant, for reason the same is immaterial.)

Ans. to 9th cross-int. I cannot tell without an examination of the records.

10th cross-interrog. Were any other of these lots affixed to any other bidder but W'm Coan?

Ans. to 10th cross-int. I presume there were 50 bidders, and any one had the privilege of bidding.

11th cross-interrog. Are you interested in the tax sale of these lots in question?

Ans. to 11th cross-int. Have no interest, and never had.

12th cross-interrog. Did you direct the correction made in the second deeds?

Ans. to 12th cross-int. No.

13th cross-interrog. Were you consulted in any manner concerning it?

Ans. to 13th cross-int. I may have been asked concerning them.

14th cross-interrog. Did you direct the corrections to be made?

Ans. to 14th cross-int. I did not.

D. WHITNEY.

WALTER I. HAYES being produced, sworn, & examined, testified as follfollows:

Int. 1st. Where do you reside?

Ans. 1st. I reside at Clinton, Iowa.

218 Int. 2d. Do you know who executed & acknowledged deeds, marked Exhibits F & G, & when executed & acknowledged; if so, by whom and when?

Ans. 2d. I do; they were executed & acknowledged in my presence by W'm F. Coan and Catharine L. Coan, as stated in the deeds themselves.

Cross-interrogatories propounded by plaintiff.

1st cross-interrog. Do the deeds contain the lots in question?

Ans. to 1st cross-int. I suppose so; part of them at least.

2d cross-interrog. At the date of Exhibit G, Mar. 2, 1867, did you know that this suit was pending?

Ans. to 2d cross-int. I don't know; could not say without looking to the records, whether it was pending at that time or not.

3d cross-interrog. At the date of Exhibit F, March 7th, 1868, did you know of the existence of either of these suits?

Ans. to 3d cross-int. I did.

4th cross interrog. Were you employed as an attorney in either of these cases, at the date of Exhibit G, March 2d, 1867?

Ans. to 4th cross-int. I do not know of any two cases which you refer to. In the case in which testimony is now being taken, I am both party defendant and attorney.

5th cross-int. Is this the notice that was served upon me?

Ans. to 5th cross-int. Yes, I think so; I think I served such a notice on you.

219 6th cross-inter. Is your name among the witnesses to be examined here to day.

Ans. to 6th cross-int. The notice itself shows.

(The examination of this witness is objected to for the reason his name does not appear in the notice of witnesses to be examined here to-day.)

7th cross-interrog. 'Ave th*eir* two suits been commenced by Eunice N. Gray ag't Mr. Coan and others?

Ans. to 7th cross-int. I presume th*eir* has.

8th cross-interrog. When was the first one commenced?

Ans. to 8th cross-int. Can't say; wasn't th*eir*.

9th cross-interrog. Are you the attorney in both cases?

Ans. to 9th cross-int. I am attorney in two cases.

10th cross-interrog. Have you been all the time from the commencement?

Ans. to 10th cross-int. Don't think I was at the commencement.

11th cross-interrog. Who was at the commencement?

Ans. to 11th cross-int. No one that I know of.

12th cross-interrog. Who has put in all the pleadings in the two cases, as the attorney?

Ans. to 12th cross-int. I have, for the defendants.

13th cross-interrog. Are you the son-in-law of the defendant (Mr. Coan) in these two suits?

Ans. to 13th cross-int. It is immaterial whether I am or not.

14th cross-interrog. Did you marry the daughter of W'm F. Coan?

Ans. to 14th cross-int. It is immaterial whether I did or not.

15th cross-interrog. What did you pay Mr. Coan for these lots?

Ans. to 15th cross-int. It is immaterial what I paid.

16th cross-interrog. Was there any understanding between Mr. Coan and you concerning the second deed at the time the first was given?

220 Ans. to 16th cross-int. No.

17th cross-interrog. Was th*eir* any money paid by you at the time either the deeds were given?

Ans. to 17th cross-inter. It is immaterial.

18th cross-interrog. Has your father-in-law consulted any other counsel in this suit except your*s*?

Ans. to 18th cross-inter. I have not kept watch over him; don't know what he has done.

WALTER I. HAYES.

JOSEPH D. FEGAN, a witness, produced, sworn, and examined, testified as follows:

Int. 1st. Where do you reside?

Ans. 1st. I reside at De Witt, Clinton County, Iowa.

Int. 2d. What office do you hold, & how long have you held it?

Ans. 2d. I am recorder of Clinton County, Iowa.

Int. 3d. Are you acquainted with the sheriff of Clinton County, Iowa; if so, who is he, and how long has he been sheriff?

Ans. 3d. I am; his name is Robert Hogle, & has been sheriff since January 1st, 1866.

Int. 4th. Did you see Robert Hogle, sheriff of Clinton County, execute the deed marked Exhibit "H," and did you take the acknowledgment thereof; if so, when?

Ans. 4th. I did, on the 25th day of Nov., 1868, before me, & in my presence, as notary public.

Int. 5th. Are the certificates of filing on Exhibits D, E, F, G, H, made by you, as recorder, and are the deeds described as stated in such certificates?

Ans. 5th. They are, all as stated in such certificates.

221 Int. 6th. Are Exhibits A, B, C recorded, as stated upon the certificates of the recorder endorsed thereon?

Ans. 6th. I think they are.

Cross-examination by plaintiff as follows:

1st cross-interrog. Are you bound to record all deeds presented to for record?

Ans. to 1st cross-inter. I suppose I am, if the fees are paid.

J. D. FEGAN.

This indenture, made this 24th day of Nov., A. D. 1868, between Robert Hogle, sheriff of the county of Clinton, in the State of Iowa, of the first part, and Walter I. Hayes, of the 2d part, witnesseth:

Whereas at the June term of the district court in & for the county of Clinton, in the said State of Iowa, held at the court-house, on the 8th day of June, A. D. 1859, before the Hon. John F. Dillon, sole presiding judge of said court, it was, among other things, ordered, adjudged, and decreed by the said court in a cause therein depending between Daniel Garvin, plaintiff, and Abel Chandler & Z. W. Arnold, defendants, that the said plaintiffs have and recover four hundred and thirty dollars and fifty-six cents damages, and five dollars and fifty-six cents costs of suit of said defendants, and that execution issue therefor, as in such cases by the law made & provided:

And whereas afterwards, to wit, on the 31st day of August, A. D. 1867, an execution was issued on said judgment, and placed in the hands of the said sheriff for service; and the said sheriff, party of the first part to these presents, and in pursuance of the judgment,

222 order, and decree of said court, in said action, and in pursuance of said execution, and of the statute in such case made and provided, on the 31st day of August, A. D. 1867, made a levy of said execution on the several pieces or parcels of property hereinafter mentioned and described:

And whereas the said sheriff, party of the first part to the presents, in pursuance of the judgment, order, & decree of said court in said action, and in pursuance of the levy aforesaid, and the statute in such case made & provided, did, on the 28th day of September, A. D. 1867, sell at public auction at the court-house, in the town of De Witt, in said county

and State, the said several pieces or parcels of land mentioned in the said levy and hereinafter described, after having given due & legal notice of the time, place, & terms of such sale, and advertised the said real estate by advertising and posting notices as required by law :

And whereas at the said sale the said several pieces or parcels of land were struck off to and purchased by Walter I. Hayes, each lot or parcel being at said sale offered, sold, and bid off separately & by itself as follows : Lot number three, (3,) in block six, (6,) in Arnold & Young's addition to South Clinton, in said county & State, at and for the sum of one hundred & seventy-five dollars ; lot number four, (4,) in block six, (6,) in Arnold & Young's addition to South Clinton, in said
223 county & State, at and for the sum of sixty-five dollars, ($65 00 ;) lot number nine, (9,) in block five, (5,) in Arnold & Young's addition to South Clinton, in said county and State, at and for the sum of one dollar, ($1 00 ;) lot number fourteen, (14,) in block (5,) in Arnold & Young's addition in South Clinton, in said county & State, at and for the sum of one dollar, ($1 00 ;) lot number fifteen, (15,) in block five (5,) in Arnold & Young's addition to South Clinton, in said county & State, at and for the sum of one dollar, ($1 00 ;) lot number sixteen, (16,) in block five, (5,) in Arnold & Young's addition to South Clinton, in said county & State of Iowa, at and for the sum of twenty dollars, ($20 00 ;) lot number twenty-one, (21,) in block five, (5,) in Arnold & Young's addition to South Clinton, in said county & State, at and for the sum of seventy-five dollars, ($75 00 ;) lot number twenty-two, (22,) in block five, (5,) in Arnold & Young's addition to South Clinton, in said county & State, at and for the sum of sixty-five dollars, ($65 00 ;) lot number sixteen, (16,) in block seven, (7,) in Arnold & Young's addition to South Clinton, in said county & State, at and for the sum of one dollar, ($1 00 ;) lot number twenty-six, (26,) in block five, (5,) in Arnold & Young's addition to South Clinton, in said county & State, at and for the sum of five dollars, ($5 00 ;) lot number one, (1,) in block four, (4,) in Ar-
224 nold & Young's addition to South Clinton, in said county & State, at and for the sum of one dollar, ($1 00 ;) lot number four, (4,) in block four, (4,) in Arnold & Young's addition to South Clinton, in said county and State, at and for the sum of five dollars, ($5 00 ;) lot number five, (5,) in block four, (4,) in Arnold & Young's addition to South Clinton, in said county and State, at and for the sum of five dollars, ($5 00 ;) lot number six, (6,) in block four, (4,) in Arnold & Young's addition to South Clinton, in said county and State, at and for the sum of sixty-five dollars, ($65 00 ;) lot number seven, (7,) in block four, (4,) in Arnold & Young's addition to South Clinton, in said county and State, at and for the sum of sixty-five dollars, ($65 00 ;) lot number eight, (8,) in block four, (4,) in Arnold & Young's addition to South Clinton, in said county and State, at and for the sum of sixty-five dollars, ($65 00 ;) lot number nine, (9,) in block four, (4,) in Arnold & Young's addition to South Clinton, in said county and State, at and for the sum of one dollar, ($1 00 ;) lot number twenty-one, (21,) in block four, (4,) in Arnold & Young's addition to South Clinton, in said county and State, at and for the sum of one dollar, ($1 00 ;) lot number twenty-two, (22,) in block four, (4,) in Arnold & Young's addition to South Clinton, in said county &
225 State, at and for the sum of one dollar, ($1 00 ;) that being the highest sum bid or offered for each or any or all of said lots respectively as aforesaid.

Now, therefor', this indenture witnesseth : That the party of the first part, sheriff as aforesaid, in order to carry into effect the sale so made in pursuance of the said decree of said court, and by virtue of the stat-

ute in such case made and provided, and in consideration of the sum of six hundred and eighteen dollars, ($618 00,) being the total amount bid for all of said pieces or parcels of land, to him in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, hath granted, bargained, and sold, and by these presents does grant, bargain, sell, and convey unto the said party of the second part, and to his heirs and assigns forever, the following-described real estate, situated in the county of Clinton, and State of Iowa, described as follows, to wit: Lots number 3 & 4, in block 6; lots number 9, 14, 15, 16, 21, 24, & 26, in block 5; lot number 16, in block 7; and lots numbered 1, 4, 5, 6, 7, 8, 9, 21, & 22, in block 4, all in Arnold & Young's addition to South Clinton, in said county and State: To have and to hold the above-described premises, with the appurtenances thereunto belonging, unto the said party of the second part, his heirs, and assigns forever.

In witness whereof the said party of the first part, sheriff as
226 aforesaid, has hereunto set his hand and seal the day and year first above mentioned.

[SEAL.] ROBERT HOGLE,
Sheriff of Clinton County, Iowa.

[U. S. rev. stamp cancelled, $1 00.]

STATE OF IOWA, *County of Clinton, ss:*

Be it remembered that, on the 25th day of November, A. D. 1868, before the undersigned, a notary public in and for said county, came Robert Hogle, to me personally known to be the identical person whose name is subscribed to the foregoing sheriff's deeds as grantor, and acknowledged the instrument to be his voluntary act and deed as sheriff of said county, and that he executed the same for the purposes therein mentioned.

Witness my hand and notarial seal the day and year last above written.

[NOTARIAL SEAL.] J. D. FEGAN,
Notary Public.

STATE OF IOWA, *Clinton County, ss:*

Entered for taxation Nov. 25th, 1868. No. 251, marked Exhibit "H." Filed for record Nov. 25th, 1868, at 12 o'clock a. m. Recorded in book J of town lots, page 172, '3, '4, & '5.

J. D. FEGAN, *Recorder.*

Know all men by these presents that, whereas the following-described pieces of real property, situated in the county of Clinton, and
227 State of Iowa, viz: Lot number sixteen, (16,) in block seven, (7,) in Arnold & Young's addition to South Clinton, Clinton County, Iowa; lot number seventeen, (17,) in block seven, (7,) in Arnold & Young's addition to South Clinton, Clinton County, Iowa; lot number twenty, (20, in block seven, (7,) in Arnold & Young's addition to South Clinton, Clinton County, Iowa; lot number *lot number* twenty-one, (21,) in block seven, (7,) in Arnold & Young's addition to South Clinton, Clinton County, Iowa; lot number twenty-two, (22,) in block seven, (7,) in Arnold & Young's addition to South Clinton, Clinton County, Iowa; lot number twenty-three, (23,) in block seven, (7,) in Arnold & Young's addition to South Clinton, Clinton County, Iowa; lot number twenty-four, (24,) in block seven, (7,) in Arnold & Young's addition to South Clinton, Clinton County, Iowa; lot number one, (1,) in block five, (5,)

in Arnold & Young's addition to South Clinton, Clinton County, Iowa; lot number two, (2,) in block five, (5,) in Arnold & Young's addition to South Clnton, Clinton County, Iowa; lot number three, (3,) in block five, (5,) in Arnold & Young's addition to South Clinton, Clinton County, Iowa; lot number four, (4,) in block five, (5,) in Arnold & Young's addition to South Clinton, Clinton County, Iowa, were each subject to taxation for the years A. D. 1858, 1859, 1860, & 1861:

And whereas the taxes assessed upon said respective pieces of real property for the year' aforesaid remained due & unpaid at the
228 date of the sale hereinafter named:

And whereas the treasurer of said county did, on the 6th day of October, A. D. 1862, by virtue of the authority in him vested by law, at the sale begun and publicly held on the first Monday of October, A. D. 1862, expose to public sale at the court-house, in the county aforesaid, in substantial conformity with all the requisitions of the statute in such case made and provided, the several pieces of real property above and hereinafter described separately, for the payment of taxes, interest, and costs then due and remaining unpaid on each of said pieces of real property, respectively:

And whereas, at the time and place aforesaid, W'm F. Coan having offered to pay the sum of 73 cents, being the whole amount of taxes, interest, and costs then due and remaining unpaid on said lot number sixteen, (16,) in block seven, (7,) in Arnold & Young's addition to South Clinton, Clinton County, Iowa, for the said lot last described, which was the least quantity bid for:

And whereas, at the time & place aforesaid, W'm F. Coan having offered to pay the sum of 73 cents, being the whole amount of taxes, interest, and costs then due & remaining unpaid on said lot number seventeen, (17,) in block seven, (7,) in Arnold & Young's addition to South Clinton, Clinton County, Iowa, for the said lot last described, which was the least quantity bid for:

229 And whereas, at the time & place aforesaid, W'm F. Coan having offered to pay the sum of 73 cents, being the whole amount of taxes, interest, & costs then due & remaining unpaid on said lot number twenty, (20,) in block seven, (7,) in Arnold & Young's addition to South Clinton, Clinton County, Iowa, for the said lot last described, which was the least quantity bid for:

And whereas, at the time & place aforesaid, W'm F. Coan having offered to pay the sum of 72 cents, being the whole amount of taxes, interest, & costs then due & remaining unpaid on said lot number twenty-one, (21) in block seven, (7,) in Arnold & Young's addition to South Clinton, Clinton County, Iowa, for the said lot last described, which was the least quantity bid for:

And whereas, at the time & place aforesaid, W'm F. Coan having offered to pay the sum of 72 cents, being the whole amount of taxes, interest, & costs then due and remaining unpaid on said lot number twenty-two, (22,) in block seven, (7,) in Arnold & Young's addition to South Clinton, Clinton County, Iowa, for the said lot last described, which was the least quantity bid for:

And whereas, at the time & place aforesaid, W'm F. Coan having offered to pay the sum of 73 cents, being the whole amount of taxes, interest, and costs then due & remaining unpaid on said lot number twenty-three, (23,) in block seven, (7,) in Arnold & Young's addi-
230 tion to South Clinton, Clinton County, Iowa, for the said lot last described, which was the least quantity bid for:

And whereas, at the time & place aforesaid, W'm F. Coan having

offered to pay the sum of 71 cents, being the whole amount of taxes, interest, and costs then due & remaining unpaid on said lot number twenty-four, (24,) in block seven, (7,) in Arnold & Young's addition to South Clinton, Clinton County, Iowa, for the said lot last described, which was the least quantity bid for:

And whereas, at the time & place aforesaid, W'm F. Coan having offered to pay the sum of 78 cents, being the whole amount of taxes, interest, & costs then due and remaining unpaid on said lot number one, (1,) in block five, (5,) in Arnold & Young's addition to South Clinton, Clinton County, Iowa, for the said lot last described, which was the least quantity bid for:

And whereas, at the time & place aforesaid, W'm F. Coan having offered to pay the sum of 79 cents, being the whole amount of taxes, interest, & costs then due & remaining unpaid on said lot number two, (2,) in block five, (5,) in Arnold & Young's addition to South Clinton, Clinton County, Iowa, for the said lot last described, which was the least quantity bid for:

And whereas, at the time & place aforesaid, W'm F. Coan having offered to pay the sum of 68 cents, being the whole amount of
231 taxes, interest, & costs then due and remaining unpaid on said lot number three, (3,) in block five, (5,) in Arnold & Young's addition to South Clinton, Clinton County, Iowa, for the said lot last described, which was the least quantity bid for:

And whereas, at the time & place aforesaid, W'm F. Coan having offered to pay the sum of 68 cents, being the whole amount of taxes, interest, & costs then due & remaining unpaid on said lot number four, (4,) in block five, (5,) in Arnold & Young's addition to South Clinton, Clinton County, Iowa, for the said lot last described, which was the least quantity bid for, and payment of the said several sums of money having been by him made to the said treasurer, the said respective pieces of property were respectively stricken off to him at the respective prices aforesaid:

And whereas 3 years have elapsed since the date of said sale, and the said respective pieces of property have not been redeemed therefrom, as provided for by law, nor either of them, nor any part thereof:

Now, therefore, I Robert Williams, treasurer of the county aforesaid, for & in consideration of the said several sums of money to the treasurer paid as aforesaid, and by virtue of the statute in such case made & provided, have granted, bargained, & sold, and by these presents do grant, bargain, & sell unto the said W'm F. Coan, his heirs & assigns, the
232 several pieces of real property which were stricken off to him at the said sale as hereinbefore described: To have & to hold unto him, the said W'm F. Coan, his heirs and assigns, forever, subject, however, to all the rights of redemption provided by law.

In witness whereof I, Robert Williams, treasurer as aforesaid, by virtue of authority as aforesaid, have hereunto subscribed my name, on this 5th day of March, A. D. 1868.

ROBERT WILLIAMS,
Treasurer.

[U. S. rev. stamp, 50 cents.]

This deed is given because deeds heretofore given are claimed to be defective by claimants of original title.

STATE OF IOWA, *Clinton County, ss:*

I hereby certify that, before me, a notary public in & for said county,

personally appeared the above-named Robert Williams, treasurer of said county, personally known to me to be the treasurer of said county at the date of the execution of the above conveyance, and to be the identical person whose name is affixed to, and who executed the above conveyance as treasurer of said county, and who acknowledged the execution of the same to be his voluntary act and deed as treasurer of said county for the purposes therein expressed. Given under my hand & seal this 5th day of March, A. D. 1868.

[NOTARIAL SEAL.] WALTER I. HAYES,
Notary Public.

233 The foregoing is marked Exhibit "E." Entered for taxation, March 6th, 1868. No. 105. Filed for record, March 6th, 1868, at 9.50 o'clock a. m. Recorded in book I, of town lots, page 436.

J. D. FEGAN,
County Recorder.

Know all men by these presents that, whereas, the following described pieces of real property, situated in the county of Clinton, and State of Iowa, viz: Lot number twenty-one, (21,) in block five, (5,) in Arnold & Young's addition to South Clinton, Clinton County, Iowa; lot number twenty-two, (22,) in block five, (5,) in Arnold & Young's addition to South Clinton, Clinton County, Iowa; lot number twenty-six, (26,) in block five, (5,) in Arnold & Young's addition to South Clinton, Clinton County, Iowa; lot number one, (1,) in block four, (4,) in Arnold & Young's addition to South Clinton, Clinton County, Iowa; lot number two, (2,) in block four, (4,) in Arnold & Young's addition to South Clinton, Clinton County, Iowa; lot number three, (3,) in block four, (4,) in Arnold & Young's addition to South Clinton, Clinton County, Iowa; lot number four, (4,) in block four, (4,) in Arnold & Young's addition to South Clinton, Clinton County, Iowa; lot number five, (5,) in block four (4,) in Arnold & Young's addition to South Clinton, Clinton County, Iowa; lot number six, (6,) in block, (4,) in Arnold &
234 Young's addition to South Clinton, Clinton County, Iowa; lot number seven, (7,) in block four, (4,) in Arnold & Young's addition to South Clinton, Clinton County, Iowa; lot number eight, (8,) in block four, (4,) in Arnold & Young's addition to South Clinton, Clinton County, Iowa, were each subject to taxation for the years A. D. 1858, 1859, 1860, & 1861;

And whereas the taxes assessed upon said respective pieces of real property for the years aforesaid, remained due and unpaid at the date of the sale hereinafter named;

And whereas the treasurer of said county did, on the 6th day of October, A. D. 1862, by virtue of the authority in him vested by law, at the sale begun and publicly held on the first Monday of October, A. D. 1862, expose to public sale, at the court-house in the county aforesaid, in substantial conformity with all of the requisitions of the statute in such case made and provided, the several pieces of real property above and hereinafter described, separately, for the payment of taxes, the interest, & costs, then due and remaining unpaid on each of said pieces of real property respectively;

And whereas, at the time & place aforesaid, W'm F. Coan having offered to pay the sum of 77 cents, being the whole amount of taxes, interest, & costs, then due and remaining unpaid on said lot number twenty-one, (21,) in block five, (5,) in Arnold & Young's addition to

South Clinton, Clinton County, Iowa, for the said lot last described, which was the least quantity bid for;

235 And whereas, at the time & place aforesaid, W'm F. Coan, having offered to pay the sum of 76 cents, being the whole amount of taxes, interest, and costs, then due and remaining unpaid on said lot number twenty-two, (22,) in block five, (5,) in Arnold & Young's addition to South Clinton, Clinton County, Iowa, for the said lot last described, which was the least quantity bid for;

And whereas, at the time & place aforesaid, W'm F. Coan, having offered to pay the sum of 76 cents, being the whole amount of taxes, interest, & costs then due and remaining unpaid on said lot number twenty-six, (26,) in block five, (5,) in Arnold & Young's addition to South Clinton, Clinton County, Iowa, for the said lot last described, which was the least quantity bid for;

And whereas, at the time & place aforesaid, W'm M. Coan, having offered to pay the sum of 45 cents, being the whole amount of taxes, interest, & costs then due and remaining unpaid on said lot number one, (1,) in block four, (4,) in Arnold & Young's addition to South Clinton, Clinton County, Iowa, for the said lot last described, which was the least quantity bid for;

And whereas, at the time & place aforesaid, W'm F. Coan, having offered to pay the sum of 45 cents, being the whole amount of taxes, interest, & costs then due and remaining unpaid on said lot num-

236 ber two, (2,) in block four, (4,) in Arnold & Young's addition to South Clinton, Clinton County, Iowa, for the said lot last described, which was the least quantity bid for;

And whereas, at the time & place aforesaid, W'm F. Coan, having offered to pay the sum of 75 cents, being the whole amount of taxes, interest, & costs then due and remaining unpaid on said lot number three, (3,) in block four, (4,) in Arnold & Young's addition to South Clinton, Clinton County, Iowa, for the said lot last described, which was the least quantity bid for;

And whereas, at the time & place aforesaid, W'm F. Coan, having offered to pay the sum of 75 cents, being the whole amount of taxes, interest, & costs then due and remaining unpaid on said lot number four, (4,) in block four, (4,) in Arnold & Young's addition to South Clinton, Clinton County, Iowa, for the said lot last described, which was the least quantity bid for;

And whereas, at the time & place aforesaid, W'm F. Coan, having offered to pay the sum of 74 cents, being the whole amount of taxes, interest, & costs then due and remaining unpaid on said lot number five, (5,) in block four, (4,) in Arnold & Young's addition to South Clinton, Clinton County, Iowa, for the said lot last described, which was the least quantity bid for;

And whereas, at the time & place aforesaid, W'm F. Coan, having offered to pay the sum of 74 cents, being the whole amount of

237 taxes, interest, & costs then due & remaining unpaid on said lot number six, (6,) in block four, (4,) in Arnold & Young's addition to South Clinton, Clinton County, Iowa, for the said lot last described, which was the least quantity bid for;

And whereas, at the time & place aforesaid, W'm F. Coan having offered to pay the sum of 74 cents, being the whole amount of taxes, interest, and costs then due and remaining unpaid on said lot number seven, (7,) in block four, (4,) in Arnold & Young's addition to South Clinton, Clinton County, Iowa, for the said lot last described, which was the least quantity bid for;

And whereas, at the time & place aforesaid, W'm F. Coan, having offered to pay the sum of 74 cents, being the whole amount of taxes, interest, & costs, then due and remaining unpaid on said lot number eight, (8,) in block four, (4,) in Arnold & Young's addition to South Clinton, Clinton County, Iowa, for the said lot last described, which was the least quantity bid for; and payment of said several sums of money having been by him made to the said treasurer, the said respective pieces of property were respectively stricken off to him at the respective prices aforesaid;

And whereas, 3 years have elapsed since the date of said sale,
238 and the said respective pieces of property have not been redeemed therefrom, as provided for by law, nor either of them, nor any part thereof;

Now, therefore, I, Robert Williams, treasurer of the county aforesaid, for and in consideration of the said several sums of money to the treasurer paid as aforesaid, & by virtue of the statute in such case made & provided, have granted, bargained & sold, and by these presents do grant, bargain, and sell unto the said W'm F. Coan, his heirs & assigns, the several pieces of real property which were stricken off to him at the said sale, as hereinbefore described: To have & to hold unto him, the said W'm F. Coan, his heirs & assigns forever; subject, however, to all the rights of redemption provided by law.

In witness whereof, I, Robert Williams, treasurer as aforesaid, by virtue of authority as aforesaid, have hereunto subscribed my name, on this 5th day of March, A. D. 1868.

ROBERT WILLIAMS,
Treasurer.

[U. S. rev. stamp, 50 cents.]

This deed is given because deeds heretofore given are claimed to be defective by claimants of original title.

STATE OF IOWA, *Clinton County, ss:*

I hereby certify that before me, a notary public in & for said county, personally appeared the above-named Robert Williams, treasurer of said county, personally known to me to be the treasurer of said county at the date of the execution of the above conveyance, and to be the iden-
239 tical person whose name is affixed to, & who executed the above conveyance as treasurer of said county, and who acknowledged the execution of the same to be his voluntary act & deed as treasurer of said county, for the purposes therein expressed.

Given under my hand & seal this 5th day of March, A. D. 1868.

[NOTARIAL SEAL.]

WALTER I. HAYES,
Notary Public.

STATE OF IOWA, *Clinton County:*

The above is marked Exhibit "D," and was entered for taxation March 6th, 1868. Filed for record March 6th, 1868, at 9.50 a. m. Recorded in book I, town lots, pages 432,-'3,-'4,-'5, &-'6.

J. D. FEGAN,
County Recorder.

EXHIBIT "G."—*Quit-claim deed.*

This deed of bargain & sale, made and executed the 2d day of March, A. D. 1867, by and between W'm F. Coan & Catherine L. Coan, his wife,

of the county of Clinton, & State of Iowa, partie' of the first part, and Walter I. Hayes, of the second part, witnesseth:

That the said partie' of the first part, for and in consideration of the sum of one hundred dollars to them paid by the said party of the second part, the receipt of which is hereby acknowledged, have quit-claimed, & do by these presents quit-claim and convey, unto the said party of the second part, his heirs and assigns, forever, all their interest, right,
240 and title in the following tract or parcel of real estate situated in the county of Clinton, & State of Iowa, to wit: Lots number 3, 4, 5, 6, 7, 8, in block 4; and lots 2, 16, 21, & 22, in block 5; and lots 16 & 17, in block 7, all being in Arnold & Young's addition to South Clinton, in said county & State: To have & to hold the premises above, described with all the appurtenances thereunto belonging, unto the said second party, and to his heirs & assigns forever. And the said Catherine L. Coan, wife of the said W'm F. Coan, hereby relinquishes all her right of dower in & to the foregoing premises.

In witness whereof the said parties of the first part have hereunto set their hands & seals the day & year first above written.

W'M F. COAN. [SEAL.]
CATHARINE L. COAN. [SEAL.]

[U. S. rev. stamp, 50 cents.]

STATE OF IOWA, *Clinton County, ss:*

Be it remembered that, on this day of March, A. D. 1867, before the undersigned, a in & for said county, came personally W'm F. Coan & Catharine L. Coan, to me personally known to be the identical persons whose names are subscribed to the foregoing deed as grantors, and acknowledged the instrument to be their voluntary act & deed, & they executed the same for the purposes therein mentioned.

241 Witness my hand and notarial seal by me affixed the day & year last above written.

[NOTARIAL SEAL.] J. H. FLINT,
Notary Public.

The foregoing, marked Exhibit "G," was entered for taxation March 13th, 1867. Filed for record March 13th, 1867, at 12 o'clock m., and recorded in book H of town lots, page 638.

J. D. FEGAN, *Recorder.*

EXHIBIT "A."

Know all men by these presents that, whereas the following described real property, viz: Lot number sixteen, (16,) in block seven, (7,) in Arnold & Young's addition to South Clinton; lot number seventeen, (17,) in block seven, (7,) in Arnold & Young's addition to South Clinton; lot number twenty, (20,) in block seven, (7,) in Arnold & Young's addition to South Clinton; lot number twenty-one, (21,) in block seven, (7,) in Arnold & Young's addition to South Clinton; lot number twenty-two, (22,) in block seven, (7,) in Arnold & Young's addition to South Clinton; lot number twenty-three, (23,) in block seven, (7,) in Arnold & Young's addition to South Clinton; lot number twenty-four, (24,) in block seven, (7,) Arnold & Young's addition to South Clinton, situated in the county of Clinton, & State of Iowa, was subject to taxation for the years A. D. 1858, 1859, 1860, & 1861;

And whereas the taxes assessed upon said real property for the
242 years aforesaid remained due & unpaid at the date of the sale hereinafter named;

And whereas the treasurer of the said county, did, on the 6th day of October, A. D. 1862, by virtue of the authority in him vested by law, at the sale begun and publicly held on the first Monday of Oct., A. D. 1862, expose to public sale at the court-house in the county aforesaid, in substantial conformity with all the requisitions of the statute in such case made & provided, the real property above described, for the payment of the taxes, interest, and costs, then due & remaining unpaid on said property;

And whereas, at the time & place aforesaid, W'm F. Coan, of the county of Clinton & State of Iowa, having offered to pay the sum of five dollars and seven cents, being the whole amount of taxes, interest, & costs then due & remaining unpaid on said property for the whole of said property, to wit: Lot number sixteen, (16,) in block seven, (7,) in Arnold & Young's addition to South Clinton, for the sum of 73 cents; lot number seventeen, (17,) in block seven, (7,) in Arnold & Young's addition to South Clinton, for the sum of 73 cents; lot number twenty, (20,) in block (7,) in Arnold & Young's addition to South Clinton, for the sum of 73 cents; lot number twenty-one, (21,) in block seven, (7,) in Arnold & Young's addition to South Clinton, for the sum of 72 cents;

243 lot number twenty-two, (22,) in block seven, (7,) in Arnold & Young's addition to South Clinton, for the sum of 72 cents; lot number twenty-three, (23,) in block seven, (7,) in Arnold & Young's addition to South Clinton, for the sum of 73 cents; lot number twenty-four, (24,) in block seven, (7,) in Arnold & Young's addition to South Clinton, for the sum of 71 cents, which was the least quantity bid for; and payment of said sum having been by him made to the said treasurer, the said property was stricken off to him at that price;

And whereas, 3 years have elapsed since the date of said sale, and the said property has not been redeemed therefrom as provided for by law;

Now, therefore, I, Robert Williams, treasurer of the county aforesaid, for & in consideration of the said sum to the treasurer paid as aforesaid, and by virtue of the statute in such case made & provided, have granted, bargained, and sold, and by these presents, do grant, bargain, & sell unto the said W'm F. Coan, his heirs & assigns, the real property last hereinbefore described: To have & to hold unto him, the said W'm F. Coan, his heirs and assigns forever; subject, however, to all the rights of redemption provided by law.

In witness whereof, I, Robert Williams, treasurer as aforesaid, by virtue of the authority aforesaid, have hereunto subscribed my name on this 24th day of May, 1866.

R. WILLIAMS, *Treasurer.*

[U. S. rev. stamp, 50 cents, cancelled.]

244 STATE OF IOWA, *Clinton County, ss:*

I hereby certify that before me, a notary public in & for said county, personally appeared the above-named Robert Williams, treasurer of said county, personally known to me to be the treasurer of said county, at the date of the execution of the above conveyance, and to be the identical person whose name is affixed to, and who executed the above conveyance as treasurer of said county, & who acknowledged the execution of the same to be his voluntary act & deed as treasurer of said county, for the purposes therein expressed.

Given under my hand and seal this 24th day of May, A. D. 1866.

[NOTARIAL SEAL.] D. WHITNEY,
Notary Public.

The foregoing tax-sale deed is marked Exhibit "A," and was filed for record the 24th day of May, A. D. 1866, at 9 o'clock a. m., and recorded in book H, of town lots, on page 111.

D. WHITNEY, *Recorder.*

EXHIBIT "B."

Know all men by these presents that, whereas the following described real property, viz: Lot number one, (1,) in block four, (4,) in Arnold & Young's addition to South Clinton; lot number two, (2,) in block four, (4,) in same addition above named; lot number three, (3,) in
245 block four, (4,) in same addition above named; lot number four, (4,) in block four, (4,) in same addition last above named; lot number five, (5,) in block four, (4,) in same addition above named; lot number six, (6,) in block four, (4,) in same addition above named; lot number seven, (7,) in block four, (4,) in same addition above named; lot number eight, (8,) in block four, (4,) in same addition above mentioned—all of the above lots are Arnold & Young's addition to South Clinton—situated in the county of Clinton & State of Iowa, was subject to taxation for the years A. D. 1858, 1859, 1860, & 1861;

And whereas the taxes assessed upon said real property, for the years aforesaid remained due & unpaid at the date of the sale hereinafter named;

And whereas the treasurer of the said county did, on the 6th day of Oct., A. D. 1862, by virtue of the authority in him vested by law, at the sale begun & publicly held on the first Monday of October, A. D. 1862, expose to public sale at the court-house, in the county aforesaid, in substantial conformity with all the requisitions of the statute in such case made & provided, the real property above described, for the payment of the taxes, interest, and costs, then due & remaining unpaid on said property;

And whereas, at the time & place aforesaid, W'm F. Coan, of the county of Clinton, & State of Iowa, having offered to pay the sum
246 of five dollars and thirty-six cents, ($5 36,) being the whole amount of taxes, interest, & costs, then due and remaining unpaid on said property, for the whole of said property, to wit: Lot number one, (1,) in block four, (4,) in Arnold & Young's addition to South Clinton, for the sum of 45 cents; lot number two, (2,) in block four, (4,) in Arnold & Young's addition to South Clinton, for the sum of 45 cents; lot number three, (3,) in block four, (4,) in Arnold & Young's addition to South Clinton, for the sum of 75 cents; lot number four, (4,) in block four, (4,) in Arnold & Young's addition to South Clinton, for the sum of 75 cents; lot number five, (5,) in block four, (4,) in Arnold & Young's addition to South Clinton, for the sum of 74 cents; lot number six, (6,) in block four, (4,) in Arnold & Young's addition to South Clinton, for the sum of 74 cents; lot number seven, (7,) in block four, (4,) in Arnold & Young's addition to South Clinton, for the sum of 74 cents; lot number eight, (8,) in block four, (4,) Arnold & Young's addition to South Clinton, for the sum of 74 cents, which was the least quantity bid for; and payment of said sum having been by him made to the said treasurer, the said property was stricken off to him at that price; and whereas, 3 years have elapsed since the date of said sale, and the
247 said property has not been redeemed therefrom, as provided for by law:

Now, therefore, I, Robert Williams, treasurer of the county aforesaid, for & in consideration of the said sum paid to the treasurer as afore-

said, and by virtue of the statute in such case made & provided, have granted, bargained, & sold, and by these presents do grant, bargain, & sell, unto the said W'm F. Coan, his heirs & assigns, the real property last hereinbefore described: To have & to hold unto him, the said W'm F. Coan, his heirs & assigns forever; subject, however, to all the rights of redemption provided by law.

In witness whereof, I, Robert Williams, treasurer as aforesaid, by virtue of the authority aforesaid, have hereunto subscribed my name on this 19th day of May, 1866.

R. WILLIAMS,
Treasurer.

[U. S. rev. stamp, 50 cents.]

STATE OF IOWA, *Clinton County, ss:*

I hereby certify that before me, a notary public in & for said county personally appeared the above-named Robert Williams, treasurer of said county, personally known to me to be the treasurer of said county at the date of the execution of the above conveyance, & to be the identical person whose name is affixed to & who executed the above conveyance as treasurer of said county, and who acknowledged the execution
248 of the same to be his voluntary act and deed as treasurer of said county, for the purposes therein expressed.

Given under my hand & seal, this 19th day of May, A. D. 1866.

{ NOTARIAL SEAL OF D. WHITNEY. } D. WHITNEY,
Notary Public.

The foregoing tax-sale deed is marked Exhibit "B," and was filed for record the 19th day of May, A. D. 1866, at 1 o'clock, p. m., and recorded in book H of town lots, on page 92.

D. WHITNEY, *Recorder.*

EXHIBIT "F."—*Quit-claim deed.*

This deed of bargain & sale, made and executed the 7th day of March, A. D. 1868, by and between W'm F. Coan and Catharine L. Coan, his wife, of the county of Clinton, & State of Iowa, parties of the first part, & Walter I. Hayes, of the 2d part, witnesseth:

That the said parties of the first part, for & in consideration of the sum of twenty-five dollars, ($25 00,) to them paid by the said party of the second part, the receipt of which is hereby acknowledged, have quit-claimed, and do, by these presents, quit-claim & convey, unto the said party of the second part, his heirs & assigns forever, all interest, right, and title in the following tract or parcel of real estate, situated in the county of Clinton, & State of Iowa, to wit: Lots number 3, 4, 5, 6,
249 7, & 8, in block 4, and lots number 2, 16, 21, & 22, in block 5, and lots number 16 & 17, in block number 7, all being in Arnold & Young's addition to South Clinton in said county & State: To have & to hold the premises above described, with all the appurtenances thereunto belonging, unto the said second party, and to his heirs & assigns, forever. And the said Catharine L. Coan, wife of the said W'm F. Coan, hereby relinquishes all her right of dower in & to the foregoing-described premises.

In witness whereof, the said parties of first part have hereunto set their hands & seals the day & year first above written.

W'M F. COAN. [SEAL.]
CATHARINE L. COAN. [SEAL.]

[U. S. rev. stamp 50 cents.]

STATE OF IOWA, *Clinton County, ss:*

Be it remembered, that on this 8th day of March, A. D. 1868, before the undersigned, a notary public in & for said county, came personally W'm F. & Catharine L. Coan, to me personally known to be the identical persons whose names are subscribed to the foregoing deed as grantors, and acknowledged the instrument to be their voluntary act & deed, and that they executed the same for the purposes therein mentioned.

Witness my hand & notarial seal, by me affixed the day & year last above written.

[NOTARIAL SEAL.] F. P. WILCOX,
Notary Public.

The foregoing quit-claim deed, No. 236, marked Exhibit "F," was
250 filed for record the 21st day of April, A. D. 1868, at 9.20 o'clock a. m., and recorded in book I of town lots, page 492.

J. D. FEGAN, *Recorder.*

EXHIBIT "C."

Know all men by these presents that, whereas the following described real property, viz: Lot number one, (1,) in block five, (5,) in Arnold and Young's addition to South Clinton; lot number two, (2,) in block five, (5,) in Arnold and Young's addition to South Clinton; lot number three, (3,) in block five, (5,) in Arnold & Young's addition to South Clinton; lot number four, (4,) in block five, (5,) in Arnold & Young's addition to South Clinton; lot number twenty-one, (21,) in block five, (5,) in Arnold & Young's addition to South Clinton; lot number twenty-two, (22,) in block five, (5,) in Arnold & Young's addition to South Clinton; lot number twenty-six, (26,) in block five, (5,) in Arnold & Young's addition to South Clinton, situated in the county of Clinton, & State of Iowa, was subject to taxation for the years A. D. 1858, 1859, 1860, & 1861;

And whereas, the taxes assessed upon said real property for the years aforesaid remained due and unpaid at the date of the sale hereinafter named;

And whereas, the treasurer of the said county did, on the 6th day of Oct., A. D. 1862, by virtue of the authority in him vested by law, at the sale begun and publicly held on the first Monday of Oct., A. D. 1862, expose to public sale at the court-house in the county
251 aforesaid, in substantial conformity with all the requisitions of the statute in such case made & provided, the real property above described for the payment of the taxes, interest, & costs, then due & remaining unpaid upon said property;

And whereas, at the time & place aforesaid, W'm F. Coan, of the county of Clinton & State of Iowa, having offered to pay the sum of five dollars and twenty-two cents, ($5 22,) being the whole amount of taxes, interest, & costs then due and remaining unpaid on said property for the whole of said property, to wit: Lot number one, (1,) in block five, (5,) in Arnold & Young's addition to South Clinton, for the sum of 78 cents; lot number two, (2,) in block five, (5,) in Arnold & Young's addition to South Clinton, for the sum of 79 cents; lot number three, (3,) in block five, (5,) in Arnold & Young's addition to South Clinton, for the sum of 68 cents; lot number four, (4,) in block five, (5,) in Arnold & Young's addition to South Clinton, for the sum of 68 cents; lot number twenty-one, (21,) in block five, (5,) in Arnold & Young's addition to South Clinton, for the sum of 77 cents; lot number twenty-two, (22,) in block

five, (5,) in Arnold & Young's addition to South Clinton, for the sum of 76 cents; lot number twenty-six, (26,) in block five, (5,) in Arnold & Young's addition to South Clinton, for the sum of 76 cents, which was the least quantity bid for; and payment of said sum having been
252 by him made to the said treasurer, the said property was stricken off to him at that price;

And whereas, 3 years have elapsed since the date of said sale, and the said property has not been redeemed therefrom as provided for by law:

Now, therefore, I, Robert Williams, treasurer of the county aforesaid, for & in consideration of the said sum, to the treasurer paid as aforesaid, and by virtue of the statute in such case made & provided, have granted, bargained, & sold, and by these presents do grant, bargain, & sell unto the said W'm F. Coan, his heirs and assigns, the real property last hereinbefore described: To have & to hold unto him, the said W'm F. Coan, his heirs & assigns, forever; subject, however, to all the rights of redemption provided by law.

In witness whereof I, Robert Williams, treasurer as aforesaid, by virtue of the authority aforesaid, have hereunto subscribed my name, on this 19th day of May, 1866.

R. WILLIAMS, *Treasurer.*

[U. S. rev. stamp, 50 cents.]

STATE OF IOWA, *Clinton County, ss:*

I hereby certify that before me, a notary public in & for said county, personally appeared the above-named Robert Williams, treasurer of said county, personally known to me to be the treasurer of said county at the date of the execution of the above conveyance, and to be the identical person whose name is affixed to and who executed the
253 above conveyance as treasurer of said county, for the purposes therein expressed.

Given under my hand & seal this 19th day of May, A. D. 1866.

{ NOTARIAL SEAL OF D. WHITNEY. }

D. WHITNEY,
Notary Public.

The above tax-sale deed, No. 219, marked Exhibit "C," was filed for record the 19th day of May, A. D. 1866, at 1 o'clock, p. m., and recorded in book H of town lots, on page 91.

D. WHITNEY, *Recorder.*

Objections to taking depositions, by plaintiff.

STATE OF IOWA, *Clinton County, ss:*

In district court for said county.

EUNICE N. GRAY
vs.
W'M F. COAN ET AL.

The plaintiff in this action excepts & objects to the defendants taking depositions in this cause, for the following reasons, to wit:

1st. The pleadings in the cause were not completed and in issue joined when notice of taking the depositions were served by the defendant.

2d. No interrogatories have been served in this cause, nor any notice of the same.

3d. No notice has been served that the witnesses were about to leave this county, or that said defendants wished to perpetuate their testimony.

4th. The witnesses all reside in the county of Clinton, & should be all served & examined in open court on the trial of this cause, regardless of any depositions they may make.

254 5th. The depositions sought to be taken in this cause are informal and contrary to the statute in such case made & provided.

D. GRAY, *Plaintiff's Attorney.*

STATE OF IOWA, *Clinton County, ss:*

In district court for said county.

EUNICE N. GRAY
vs.
W'M F. COAN AND WALTER I. HAYES.

1st. Plaintiff objects *for* the taking of depositions before K. W. Wheeler, on the 18th day of January, 1869, in this case, to Exhibits G, F, & E, because the same were made by the treasurer of Clinton County without authority, and are therefore void, and as improper testimony in this case.

2d. Plaintiff also objects to Exhibits H, I, J, for the reason that Exhibt H conveyed no title to defendant, as Reed, the grantor, had no title in the premises; & to Exhibit "I" plaintiff objects & excepts to as evidence, for the reason that Exhibit "I" was & is a mortgage merely, & not a deed.

D. GRAY, *Plaintiff's Att'y.*

STATE OF IOWA, *Clinton County, ss:*

I, K. W. Wheeler, a notary public in & for said county, and commissioner, by agreement of parties in the above-entitled suit, do hereby certify that the foregoing depositions of Robert Williams,

255 D. Whitney, W. I. Hayes, and J. D. Fegan, were, pursuant to the notice hereunto attached, taken before me & reduced to writing, at the time & place therein mentioned, and at same time & place the same were read over to said witnesses & subscribed and sworn to by each of them, & in my presence, and that the exhibits thereto attached were produced as in said depositions referred to, and by consent and at the request of the parties attached, & made a part of the several depositions as aforesaid.

In witness whereof I have hereunto set my hand & affixed my notarial seal at De Witt, this 18th day of January, 1869.

NOTARIAL SEAL OF K. W. WHEELER.

K. W. WHEELER,
Notary Public.

[U. S. rev. stamp, 5 cents.]

Commissioner's fees, $5 00.
Opened & filed, Feb. 27th, 1869.

N. B. HOWARD, *Clerk.*
By A. L. LEVI, *Deputy.*

STATE OF IOWA, *Clinton County, ss:*

I, Noel B. Howard, clerk of the district court in & for said county, do hereby certify that the depositions hereto attached are the original depositions taken in the case No. 2067, wherein Eunice N. Gray was plaintiff & W'm F. Coan was defendant, and filed in my office.

256 Witness, Noel B. Howard, clerk of the district court in & for said county, and the seal of said court hereunto affixed at Clinton City, this 25th day of Jan., A. D. 1870.

IOWA DIST. COURT SEAL.

N. B. HOWARD, *Clerk.*

[5-cent stamp.]

STATE OF IOWA, *Cedar County, ss:*

I, W'm Elliott, clerk of the district court in & for said county, do hereby certify that the attached depositions were filed and used in the cause of Eunice N. Gray vs. W'm F. Coan et al., being a change of venue from Clinton County, and tried before Hon. James H. Rothrock, judge of the 8th judicial district of the State of Iowa, at Tipton, in said county, on the 28th day of January, 1870.

SEAL OF DIST. COURT CEDAR CO., IOWA. Witness my hand & the seal of the district court of said county, at Tipton therein, this 3d day of May, 1870.

W'M ELLIOTT,
Clerk District Court.

257 (Indorsed:) 2067. Depositions in re. E. N. Gray vs. W'm F. Coan. Change of venue from Clinton County. Filed Jan. 28th, 1870. W'm Elliott, clerk.

258 STATE OF IOWA, *Cedar County, ss:*

I, W'm Elliott, clerk of the district court in and for said county do hereby certify that the attached depositions were filed and used in the trial of a cause before Hon. James H. Rothrock, judge of the 8th judicial district of the State of Iowa, wherein Eunice N. Gray is plaintiff & W'm F. Coan et al. were defendants, at Tipton, in said county, on the 28th day of January, 1870.

SEAL OF DIST. COURT CEDAR CO., IOWA. Witness, W'm Elliott, clerk of the district court in & for said county, at Tipton therein, this 3d day of May, 1870.

Notice to take testimony.

EUNICE N. GRAY, PLAINTIFF,
vs.
W'M F. COAN ET AL., DEFENDANTS.

To Walter I. Hayes, Esq., defendants' attorney.

Sir: You are hereby notified that the plaintiff will take additional testimony, and original documentary evidence in this case, and that W'm Familton, N. B. Howard, Daniel Gray, & such other witnesses as she may desire, will be examined, in acordance with the stipulation of Jan. 10th, 1870, made between the parties, att'ys in this case, before K. W. Wheeler, esq., at his office, in the city of Clinton, Iowa, on the 24th instant at one o'clock, p. m.

Jan. 17th, 1870.

D. GRAY,
Plaintiff's Attorney.

259 The foregoing notice was served on Walter I. Hayes, Jan. 20th, 1870. Service accepted, Jan. 20th, 1870.

WALTER I. HAYES,
Attorney for Defendants.

Agreement.

STATE OF IOWA, *Cedar County, ss:*

EUNICE N. GRAY, PLAINTIFF,
vs.
W'M F. COAN ET AL., DEFENDANTS.

It is hereby stipulated and agreed that either party take additional testimony in this case before K. W. Wheeler, at his office, in the city of Clinton, Iowa, on the 15th day of Jannary, 1870, at one p. m., or as soon thereafter as said Wheeler can attend to the same, & that the plaintiff examine W'm Familton, N. B. Howard, Daniel Gray, & such other witnesses as she may desire, & introduce original documentary evidence in this case.

Jan. 10th, 1870.

WALTER I. HAYES,
At'y for Def't.
D. GRAY, *Plaintiff's Att'y.*

Consent to put off to some day next week, after court adjourns. Mr. Gray to notify me when.

WALTER I. HAYES.

Depositions of witnesses produced, sworn, and examined at the court-house, at Clinton City, in the county of Clinton, & State of Iowa, before me, the undersigned, notary public, in pursuance to the
260 notice & agreement hereto attached, in an action now pending in the district court in & for Clinton County, Iowa, wherein Eunice N. Gray is plaintiff, and W'm F. Coan & others defendants, on behalf of plaintiffs, this the 24th day of January, 1870. Plaintiff appears by D. Gray, her attorney, & defendants by Walter I. Hayes, their attorney.

J. D. FEGAN, being produced, sworn, & examined on part of plaintiff, deposes as follows:

Int. 1st. Are you at present the recorder of Clinton County, Iowa?

Ans. I am.

Int. 2nd. Were you the recorder of Clinton County, Iowa, on the 16th day of Jan., 1868?

Ans. 2nd. I was.

Int. 3rd. Did you, as recorder of Clinton County, Iowa, make the certificate attached to the copy of the deeds of Robert Williams, treasurer, to W'm F. Coan, and designated as Exhibit No. 9, in the depositions taken in this case, on the 19th day of Aug., 1869?

Ans. 3d. I did.

Int. 4th. In that copy of the deed are the printed words as follows, to wit: (And the above described parcels and tract of land having each been exposed for sale, & sold separately for the whole amount of taxes, interest, & costs then due and remaining unpaid on the same, as aforesaid,) were these words stricken out?

261 Ans. 4th. It was a copy, after the words were stricken out. The record has not the words at all, either printed or written, but I struck the same out in order to make a copy.

Int. 5th. Is the same true, as to all the copies, Exhibits Nos. 9 to 15, inclusive, named in said depositions, & have they the same words stricken out?

Ans. 5th. The words were never put in; they were stricken out to make the copy.

Jan. 24, '70.

J. D. FEGAN, *Recorder.*

D. GRAY, a witness, produced & sworn, testifies as follows:

Int. 6th. Have you the original deed, which was given by Francis Wier to Z. W. Arnold, dated 14th day of June, 1856?

Ans. 6th. I have.

Int. 7th. Will you produce the same, and attach the same to your deposition?

(Defendant objects, on the ground that it has not been sufficiently or properly proved that the same is the original deed mentioned.)

Ans. 7th. I will, & hereto attached the same, marked Exhibit No. 50.

Int. 8th. Is this the original deed referred to by Z. W. Arnold, in his deposition in this cause, & the execution of which was proved by him, and has it remained in your possession since Arnold was examined?

(Defendants object on the ground that witness does not show himself competent to testify as to whether or not said exhibit

262 is the original instrument.)

Ans. 8th. It is the same original deed in every particular, & has remained in my possession ever since Arnold was examined on the day of August, A. D. 1869.

Int. 9th. Have you the original contract between Dwight Reed & Z. W. Arnold, dated March 17th, 1859, referred to and proven by Arnold in his said deposition, a copy of which has already been given in evidence?

Ans. 9th. I have.

Int. 10th. Will you produce the same & attach the same to your deposition?

(Same objection as to int. No. 8.)

Ans. 10th. I will, and hereto attach the same as Exhibit No. 51.

Int. 11th. Have you the original sheriff's deed given by George A. Guonved, sheriff, to Eunice N. Gray, dated 16th day of July, 1862, and filed & recorded February 26th, 1864, in book of deeds "F" of town lots, pages 98, 99, & 100, which said deed, as amended, was recorded August 19th, 1869, in book No. J of town lots, page 499, a copy of which has already been given in evidence?

Ans. 11th. I have.

Int. 12th. Will you produce the same & attach it to your deposition?

(Defendants make the same objection as to int. 8th, and the further objection that it does not appear that these defendants, or any of them, were parties to the proceeding by which said deed was amended.)

263 Ans. 12th. I will, and hereto attach the same as Exhibit No. 52.

Int. 13th. Have you the original trust-deed of Daniel Gray, trustee, to Eunice N. Gray, dated 17th day of Jan., 1862, recorded Feb. 26th, 1864, in book F of town lots, page 96, 97, & 98, copy of which has already been introduced as evidence herein?

Ans. 13th. I have.

Int. 14th. Will you produce the same and attach the same to your depositions?

(Same objection as to int. 8th.)

Ans. 14th. I will, and hereto attach the same, marked Exhibit No. 53.

Int. 15th. Have you the original trust-deed of Zara W. Arnold and David T. Arnold to Daniel Gray, trustee of Eunice N. Gray, dated 1st day of Oct., 1858, recorded Sept. 5th, 1860, in book J of mortgages, pages 493 & 494, a copy of which is already in evidence and proven by me?

Ans. 15th. I have.

Int. 16th. Will you produce the same and attach the same to your deposition?

(Same objection as to int. 8th.)

Ans. 16th. I will, and hereto attach the same as Exhibit No 54.

Int. 17th. Have you the decree of the court certified by the clerk amending the deed of to Eunice N. Gray, dated 18th day of Jan., 1869, a copy of which has already been given by N. B. Howard, clerk?

264 (Objected to by defendants that the same is immaterial and irrelevant.)

Ans. 17th. I have.

Int. 18th. Will you produce the same and attach to your deposition?

(Objected to by defendants as being immaterial, irrelevant, and that it does not appear that these defendants or any of them were parties to the said in which the decree was entered, & the document itself shows that it is only a copy.)

Ans. 18th. I will, and hereto attach the same, marked Exhibit No. 55.

Int. 19th. Have you the original decree or any control over it?

(Same objection as to int. 17th.)

Ans. 19th. I have not.

Int. 20th. Have you the original document, copy of which was proven by Mr. Arnold, No. 8, signed by W. G. Hannaford on the 27th day of Feb., 1858?

(Same objection as to int. 17th.)

Ans. 20th. I have.

Int. 21st. Will you produce the same and attach it to your deposition?

(Objected to by defendant as being immaterial & irrelevant, & same objection as to int. 8th.)

Ans. 21st. I will, and attach the same hereto, marked Exhibit No. 56.

Int. 22d. Have you the original certificates of redemption, ten in number, copies of which have been introduced as evidence in this
265 case, & the execution of which was proven by W'm Familton?

Ans. 22d. I have.

Int. 23d. Will you produce the same, & attach them to your depositions?

(Same objection as to int. 8th, & same objection as was made to the introduction to the copies of which these purport to be the originals.)

Ans. 23d. I will, and hereto attach the same as Exhibits Nos. 57, 58, 59, 60, 61, 62, 63, 64, 65, & 66.

Int. 25. Have you the original tax receipts, of which copies have been introduced as evidence in this case, together with offers to pay taxes, copies of which are already in evidence and proven?

Ans. 25th. I have.

Int. 26th. Will you produce them, & attach the same to your deposition?

(Objected to by defendant, that the same is immaterial & irrelevant, & it is not shown that their was any authority or right to pay said taxes by the person or persons paying them, and the same objection as made to int. 8th.)

Ans. 26th. I will, & hereto attach the same to my deposition as Exhibits Nos. 67, 68, 69, 70, 71, & 72.

Int. 27th. Are the original above papers given in evidence, all the original papers that you have, or ever had in your possession?

Ans. 27th. I think they are.

Int. 28th. Did you see W'm Familton sign & Horace Anthony countersign the original certificates of redemption given in evidence; also, the ones signed by K. W. Wheeler & countersigned by Robert
266 Williams at the time they bear date?

Ans. 28th. I did.

Int. 29th. Did you tell Walter I. Hayes, during the month of Jan., 1867, that the plaintiff owned the lots in question, & she held the certificates of redemption from the tax sales for all of said lots?

(Objected to by defendant as being incompetent, irrelevant, & immaterial.)

Ans. 29th. I did.

D. GRAY.

Cross-examined by defendant:

Cross-int. 30th. How do you know that the paper, marked Exhibit No. 50, is an original deed from Francis Wier to Z. W. Arnold?

Ans. to cross 30th. From receiving it from the hands of Mr. Arnold, and hearing him testify in this case in relation to the execution of it by Francis Wier.

Cross-int. No. 31st. Is that all the information you have upon the subject?

Ans. to cross-int. 31st. I may have compared it with the original on record, and may not; I don't recollect as to that.

Cross-int. No. 32nd. State all the means of knowledge, and knowledge, you have in reference to said exhibit being the original deed, that you have not already stated?

Ans. to cross-int. 32d. I don't know of any other means of knowledge or knowledge. I was not present when it was executed.

Cross-int. No. 33rd. How do you know that the paper, marked
267 *marked* Exhibit No. 51, is an original contract between Dwight Reed & Z. W. Arnold?

Ans. to cross-int. 33rd. By hearing Mr. Arnold swear to it, and handing the contract to me.

Cross-int. No. 34. How do you know that the paper, marked Exhibit No. 54, is the original deed of trust of Z. W. Arnold & Z. T. Arnold to Eunice N. Gray?

Ans. to cross-int. 34th. Because I was present & saw them sign & execute it, and acknowledge it.

Cross-int. No. 35. Where were they when they signed, executed, and acknowledged it?

Ans. to cross-int. 35. In the little office that I occupied at that time, north of the Iowa Central House.

Cross-int. No. 36. Where was it acknowledged?

Ans. to cross-int. 36. I don't recollect whether it was acknowledged at my office or whether they went before a notary.

Cross-int. No. 37. If they went out to the office of the notary, how soon was it after they had signed the deed of trust?

Ans. to cross-int. No. 37. I think it was acknowledged before the check was drawn for the amount of consideration. I kept my account at the time with Dapin & Company.

Cross-int. No. 38. The consideration upon which the deed of trust was given was paid over to Arnold, & the deed executed, acknowledged & delivered on the same day, were they not?

Ans. to cross-int. 38. I could not tell without reference to the check and the deed.

Cross-int. No. 39. State as near as you can as to whether it was all on one day or not?

Ans. to cross-int. 39. I could not tell without referring to the check.

268 Cross-int. No. 40. Was there ten days between any two of the acts?

Ans. to cross-int. 40. I could not say without referring to the check; the deed might or might not have been executed at the same time; I could give impressions, but don't consider them of any importance.

Cross-int. No. 41. How do you know that the paper, marked Exhibit No. 56, is an original agreement from W. G. Hannaford to Z. W. Arnold?

Ans. to cross-int. 41. From hearing the testimony of Mr. Arnold in relation to the instrument, & having the same in my possession since he testified.

Cross-int. No. 42. The trust deed, marked Exhibit No. 54, was delivered to Eunice N. Gray immediately after it was acknowledged, was it not?

Ans. to cross-int. 42. I think it was.

Cross-int. No. 43. Have you a memorandum of what you told Walter I. Hayes during month of January, 1867?

Ans. to cross-int. 43. I have a memorandum I noted in the register on the 19th of January, 1867.

Cross-int. No. 44. Is it by means of that memorandum that you remember the time, place, or circumstances, or either of them?

Ans. to cross-int. 44. The time & circumstances *is* fixed by the memorandum.

Cross-int. No. 45. Will you attach that memorandum to this deposition?

Ans. to cross-int. 45. It is part of the history of the case in my law register.

Cross-int. No. 46. Will you attach that memorandum to this deposition?

269 Ans. to cross-int. No. 46. I can give a copy from my register, fixing the date as far as that is concerned.

D. GRAY.

Re-direct examination by plaintiff:

Int. 47. What do you recollect in addition to the date in relation to this notice?

Ans. 47. Upon the 19th I called upon Mr. Coan, the defendant in this case, & proposed a settlement—on the 19th of January. He declined making any settlement, but referred me to Mr. Hayes, his attorney, having the whole case in his charge. Within one or two days afterwards I saw Mr. Hayes going down Seventh avenue towards Second street, and told him what I had testified to concerning the plaintiff's owning the property, & having the certificates of redemption. Mr.

Hayes replied that there was not much penalty for litigation in this State as there was not much costs recovered, or words to that effect, & that the plaintiff and the defendants were able to litigate the matter; and that is the substance of what I recollect of the notice. My recollection is that the original notice & petition were both drawn at my office at the same time.

D. GRAY.

STATE OF IOWA, *Clinton County, ss:*

I, K. W. Wheeler, a notary public in & for said county, do hereby certify that, in pursuance to the annexed notice, I cause' to come before me, at the city of Clinton, at my office, on the 24th day of Jan.,
270 A. D. 1870, between the hours of 9 o'clock a. m., and 4 o'clock p. m., of said day, according to the notice given him to wit: Joseph D. Fegan & Daniel Gray, who were then & there by me duly sworn & examined, and their examination reduced to writing, and, after being by me read over to said witnesses, the same were subscribed & sworn to by them respectively in my presence, and their said depositions are now hereunto returned. And I further certify that Daniel Gray, esq., was present, & conducted said examination on the behalf of plaintiffs, & Walter I. Hayes was present, & cross-examined said witnesses on behalf of defendants; and I further certify that the several exhibits, marked Nos. 50 to 73, inclusive, were severally marked as such exhibits by me & on the same exhibits referred to in the above & foregoing depositions.

NOTARIAL SEAL OF K. W. WHEELER, CLINTON COUNTY, IOWA.

Given under my hand and seal hereunto annexed, at the city of Clinton, in said county, this 24th day of January, A. D. 1870.

KIRKE W. WHEELER,
Notary Public in & for said County, & Commissioner as aforesaid.

The following are copies of tax receipts:

EXHIBIT NO. 72.

Kind of tax—State, 39; school, 17; dist. school, 68; bounty,
271 1 08.50; county, 51; road, 51; addition, 1 60; relief, 34, making a total of 5 23, for lots 25, 26, 27, 28, 29, & 30, in block 4; lot 26, in block 5; lots 1 to 10, in block 6; lots 14 to 24 in block 6; and lots 16 & 17, in block 7, making in all 29 lots in South Clinton, for the taxes of 1869.

H. ANTHONY,
Collector of Clinton Co., Iowa.

EXHIBIT NO.

Kind of tax—State, 18 21; school, 7 28; teachers, 36 41; county, 29 13; road, 18 58; contingent, 25 49; sub. dist. No. 2, 25 92; bridge, 14 56; and relief 7 28—making a total of $182 86 for—

Part of section.	Sec.	Town.	Range.	Acres.
S. W. ¼, or lot 5 & 6	16	81	6	160
W. ½ S. E., or lot 7	16	81	6	80

Arnold & Young's addition: lots 1 to 8, inclusive, 21, 22, 25 to 30, inclusive, in block 4; lots 16, 21, 22, in block 5; Gray's addition to Clinton, 1 to 10, inclu., in block 1; lots 1 to 7, in block 2; lots 1 to 22, in block 3; lots 1, 2, 3, 6, 7, 8, 9, & 10, in block 4; lots 1 to 11, inclusive; 13, 17 to 25, inclusive, in block 5; lots 14, 15, 16, 26, 27, & 28, in block 5; lots 1, 2, 3, 4, 8, 9, 10, in block 6. Taxes for 1857.

R. WILLIAMS,
Collector of Clinton, Iowa,
By J. POLLOCK.

EXHIBIT No. 71.—*Taxes of* 1867.

Kind of tax—State, $2 33; school, 93; teacher, 4 67; county, 3 73; road, 15; contingent, 3 26; bridge, 1 86; relief, 93—making total $17 86, for the following lots, 1, 2, 4, 5, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, & 24, in block 6, & lots 16 & 17, in block 7;
272 all in Arnold & Young's addition to Clinton.

R. WILLIAMS,
Collect. of Clin. Co.
By J. POLLOCK.

EXHIBIT —*Taxes of* 1863 *on* 24 *lots.*

Kind of tax—State, 30; county, 45; school, 15; road, 45; school house, 45; school dist., 30; ad., 4 80; relief, 75; int., 36—making a total of $8 00, for the following lots in Arnold & Young's addition to Clinton, viz: lots 1, 2, 5, 6, 7, 8, 13, & 14, 16, 17, 18, 19, 20, 21, 22, 23, & 24, in block 6; lots 25, 26, 27, 28, 29, & 30, in block 4; & lot 16, in block 7.

H. ANTHONY,
Collector for Clinton County, Iowa.

[5 cents stamp.]

EXHIBIT No. 70.—*Tax of* 1863 *on lot* 17, *B* 7.

Kind of tax—State, 02; county, 03; school, 02; road, 03; school house, 03; school dist., 02; cost, 20; int., 06; bounty, 05—making the total 45 cents, for lot 17, in block 7, in Arnold & Young's addition to South Clinton.

H. ANTHONY,
Collector of Clinton Co., Iowa.

[5 cents rev. stamp, cancelled.]

EXHIBIT No. 69.—*Taxes of* 1865. [$3 72.

Kind of tax—State, 42; county, 57; school, 29; road, 53; school dist., 96; sub-dist. No. 1, 57; relief, 38—making a total of $3 72, on the following lots in Arnold & Young's addition to South Clinton; lots number 3, 4, 5, 25, 26, 27, 28, 29, & 30, in block 4; lots 16, 21, 22, & 26, in block 5; lots 1, 2, 5, 6, 7, 8, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, in block 6, and lots 16 & 17, in block 7.

273 (Signed) ROBERT WILLIAMS,
Collect. of Clinton Co.,
By F. P. WILCOX, *Deputy.*

Lots 2, 3, 4, 5, 6, 7, 8, 21, 22, 25, 26, 27, 28, 29, & 30, in block 4, in Ar-

nold & Young's addition; also, lots 1, 2, 16, 21, & 22, in block 5, in same addition; also, lots 1, 2, 4, 5, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, & 24, in block 6, in same addition; also, lots 16 & 17, in block 7, in same addition. Eunice N. Gray offered to pay all of the taxes on the above lots.

Feb. 27th, 1869.

J. H. CHURCHER,
Collector of Clinton Township, Iowa.

EXHIBIT No. 68.—*Taxes of* 1868.

MAR. 7TH, 1869.

Kind of taxes—State, $3 45; county, 5 52; school, 2 07; teachers, 8 28; contingent, 4 83; sub-dist. No. 8, 20 70; bridge, 2 76—total $47 61; on the following lots situated in Arnold & Young's addition to South Clinton, viz: Lots 1, 2, 3, 4, 5, 6, 29, & 30, in block 4, value, 240; lots 2, 16, 21, & 22, in block 5, value 192; lots 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, & 24, in block 6, value 864, & lots 16 & 17, value 84.

J. H. CHURCHER,
Collector of Clinton Township, Iowa.

CLINTON, *April 16th*, 1867.

WILLIAMS, Esq.:

Please send receipt for taxes to Mr. Wilcox, for the following lots, (which were omitted in my last deed,) to wit: Lots 25, 26, 27, 28, 29, & 30, in block 4, Arnold & Young's addition to South Clinton;
274 also, lots 1, 2, 5, 6, 7, 8, 13, 14, 16, 17, 18, 19, 20, 21, 22, & 23, in block 6, Arnold & Young's addition to South Clinton, and will pay the taxes as same to Wilcox. If the taxes have been paid on these lots, please inform me by whom, & prof' this offer of mine to pay same, & oblige.

Yours truly,

D. GRAY.

APRIL 17TH, 1867.

D. GRAY, Esq.

SIR: Mr. W'm F. Coan paid taxes on lots 25, 26, 27, 28, 29, & 30, in block 4, Arnold & Young's addition to South Clinton: Lots 1, 2, 5, 6, 7, 8, 14, 16, 17, 18, 19, 20, 21, 22, 23 are paid; the books do not show by whom, though I presume they were paid by Coan. If you wish to pay the taxes on those lots, knowing that the taxe is already paid by some one else, I will make you a receipt & send it to Mr. Wilcox as you wish.

Yours, etc.,

R. WILLIAMS.

EXHIBIT No. 67.—*Tax of* 1866. [$2 76.

Kind of tax—State, 22; county, 37; school, 15; school dist., 51; contingent, 37; sub. dist. No. 1, 92; bridge, 22; making a total of $2 76, on the following lots in Arnold & Young's addition to S. Clinton, viz: Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 21, & 22, in block 4; lots 2, 16, 21, & 22 in block & lots 16 & 17, in block 7.

275 (Signed) ROBERT WILLIAMS,
Collect. of Clin. Co.,
By E. R. LUCAS, *Deputy.*

EXHIBIT No. 66.—*Certificate of redemption.*

DE WITT, IOWA, *Mar. 15th*, 1869.

This is to certify that Eunice N. Gray has this day redeemed the real property hereinafter described by payment of two and $\frac{27}{100}$ dollars, as below specified, said property having been sold by the treasurer of Clinton County, Iowa, for the tax of A. D. 1867, on the 5th day of Oct., A. D. 1868, and subsequent taxes having been paid as specified below. Record, page 103, No. 3.

Lot 1, block 5, Arnold & Young's addition to South Clinton.

Amount sold for tax of 1867	1 45
Thirty per cent	43
Int. @ 10 per cent	09
Redemption certificate	25
U. S. rev. stamp	05
	$2 27

Witness my hand & the seal of the county of Clinton, Iowa, by me affixed.

[SEAL.]

K. W. WHEELER,
County Judge & Ex-officio County Auditor.

[U. S. rev. stamp, 5 cents.]

Countersigned 15th day of March, 1869.

R. WILLIAMS,
Treasurer.

EXHIBIT No. 65.

No. 107.] DE WITT, IOWA, *Mar. 15th*, 1869.

This is to certify that Eunice N. Gray has this day redeemed the real property hereinafter described by payment of two and $\frac{77}{100}$ dollars, as below specified, said property having been sold by the treasurer of Clinton County, Iowa, for the tax of A. D. 1865, on the 1st day of Oct., A. D. 1866, and subseqnent taxes having been paid as specified below. Record, page 55, No. 3.

276

Lots 1, & 2, in block 5, in Arnold & Young's addition to South Clinton.

Amount sold for taxes of 1865	71
Thirty per cent	21
Int. @ 10 per. cent	26
Tax of 1867	90
Thirty per cent	27
Int. @ 10 per cent	12
Redemption certificate	25
Certificate of sale	03
U. S. rev. stamp	05
	$2 77

Witness my hand & seal of the county of Clinton, Iowa, by me affixed.

K. W. WHEELER,
County Judge & Ex-officio County Auditor.

[U. S. rev. stamp 5 cents.]

Countersigned, 15th day of March, A. D. 1869.

R. WILLIAMS, *Treasurer.*

EXHIBIT No. 64.

OFFICE OF THE CLERK OF THE BOARD OF SUPERVISORS,
DE WITT, IOWA, *Sept. 25th*, 1865.

This is to certify that Eunice N. Gray has this day redeemed the real property hereinafter described, by payment of two & $\frac{10}{100}$ dollars, as below specified, said property having been sold by the treasurer of said county for the tax of A. D. 1860, on the 3rd day of Oct., A. D. 1864.

Lots 21, & 22, in block 4, in Arnold & Young's addition to South Clinton.

Amount sold for		88
Certificate of sale		55
	Certificate of red'	30
277	Thirty per. cent	26
	Int. @ 10 per. cent	11
		$2 10

Witness my hand & the seal of the board of supervisors for Clinton County, Iowa, by me affixed.

W'M FAMILTON, *Clerk.*

[U. S. rev. stamp 5 cents.]

Countersigned, Sept. 25, '67.

H. ANTHONY, *Clerk.*

EXHIBIT No. 63.

OFFICE OF THE CLERK OF THE BOARD OF SUPERVISORS,
De Witt, Iowa, Sept. 25th, 1865.

This is to certify that Eunice N. Gray has this day redeemed the real property hereinafter described by payment of four $\frac{44}{100}$ dollars, as below specified, said property having been sold by the treasurer of said county for the tax of A. D. 1863, on the 3rd day of Oct., A. D. 1864, and for tax paid for 1864.

Lots 1, 2, 16, 21, & 22, in block 5, Arnold & Young's addition to S. Clinton.

Amount sold for & tax, '64	2 48
Certificate of sale	55
Certificate of red'	30
Thirty per cent	82
Int. @ 10 per cent	29
	$4 44

Witness my hand & the seal of the board of supervisors of Clinton County, Iowa, by me affixed.

W'M FAMILTON, *Clerk.*

[U. S. rev. stamp, 5 cents.]

Countersigned Sept. 25th, 1865.

H. ANTHONY, *Clerk.*

EXHIBIT No. 62.

OFFICE OF THE CLERK OF THE BOARD OF SUPERVISORS,
De Witt, Iowa, Sept. 29th, 1864.

278 This is to certify that Eunice N. Gray has this day redeemed the real property hereinafter described by payment of two $\frac{33}{100}$ dollars, as below specified, said property having been sold by the treasurer of said county for the tax of A. D. 1862, on the 2nd day of Nov., A. D. 1863.

Lots 25, 26, 27, 28, 29, & 30, in block 4, Arnold & Young's addition to South Clinton.

Amount sold for	1 43
Certificate of sale	25
Thirty per cent	44
Int. @ 10 per cent	16
Stamp	05
	$2 33

Witness my hand & the seal of the board of supervisors for Clinton County, Iowa, by me affixed.

W'M FAMILTON, *Clerk.*

[U. S. stamp, 5 cents.]

Countersigned Sept. 29th, 1864.

H. ANTHONY,
Treasurer.

EXHIBIT No. 61.

OFFICE OF THE CLERK OF THE BOARD OF SUPERVISORS,
De Witt, Iowa, Sept. 29th, 1864.

This is to certify that Eunice N. Gray has this day redeemed the real property hereinafter described by payment of sixty-four cents, as below specified, said property having been sold by the treasurer of said county for the tax of A. D. 1862, on the 2nd day of Nov., A. D. 1863.

Lot 16, in block 7, Arnold & Young's addition to South Clinton.

Amount sold for	24
Certificate of sale	25
Thirty per cent	07
Int. @ 10 per cent	03
Stamp	05
	64

279 Witness my hand & the seal of the board of supervisors of Clinton County, Iowa, by me affixed.

W'M FAMILTON, *Clerk.*

[U. S. rev. stamp, 5 cents.]

Countersigned Sept. 29th, 1864.

H. ANTHONY, *Treas.*

EXHIBIT No. 60.

OFFICE OF THE CLERK OF THE BOARD OF SUPERVISORS,
De Witt, Iowa, Sept. 29th, 1864.

This is to certify that Eunice N. Gray has this day redeemed the real property hereinafter described by payment of two $\frac{07}{100}$ dollars, as below specified, said property having been sold by the treasurer of said county for the tax of A. D, 1862, on the 2nd day of Nov., A. D. 1863.

Lots 3, 4, 5, 6, 7, & 8, in block 4, Arnold & Young's addition to South Clinton.

Amount sold for	1 24
Certificate of sale	25
Thirty per cent	37
Int. @ 10 per cent	16
Stamp	05
	$2 07

Witness my hand & the seal of the board of supervisors for Clinton County, Iowa, by me affixed.

W'M FAMILTON, *Clerk.*

[U. S. rev. stamp, 5 cents.]

Countersigned Sept. 29th, 1864.

H. ANTHONY, *Treas.*

EXHIBIT No. 59.

OFFICE OF THE CLERK OF THE BOARD OF SUPERVISORS,
De Witt, Iowa, Sept. 29th, 1864.

This is to certify that Eunice N. Gray has this day redeemed the real property hereinafter described by payment of two $\frac{29}{100}$ dollars, as below specified, said property having been sold by the treasurer of said county for the tax of A. D. 1862, on the 2d day of Nov., A. D. 1863.

Lots 2, 16, 21, 22, & 26, in block 5, Arnold & Young's addition to South Clinton.

Amount sold for	1 41
Certificate of sale	25
Thirty per cent	42
Int. @ 10 per cent	16
Stamp	05
	$2 29

280 Witness my hand & the seal of the board of supervisors of Clinton County, Iowa, by me affixed.

W'M FAMILTON, *Clerk.*

[U. S. rev. stamp, 5 cents.]

Countersigned Sept. 29th, 1864.

H. ANTHONY, *Treas.*

EXHIBIT No. 58.

OFFICE OF THE CLERK OF THE BOARD OF SUPERVISORS,
De Witt, Iowa, Sept. 29th, 1864.

This is to certify that Eunice N. Gray has this day redeemed the real property hereinafter described by payment of seven $\frac{82}{100}$ dollars, as below specified, said property having been sold by the treasurer of said county for the tax of A. D. 1862, on the 2nd day of Nov., A. D. 1863.

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, & 24, in block 6, Arnold & Young's addition to South Clinton.

Amount sold for	5 28
Certificate of sale	25
Thirty per cent	1 58
Int. @ 10 per cent	66
Stamp	05
	$7 82

Witness my hand & the seal of the board of supervisors for Clinton County, Iowa, by me affixed.

W'M FAMILTON, *Clerk.*

[U. S. rev. stamp, 5 cents.]

Countersigned Sept. 29th, 1864.

H. ANTHONY, *Treas.*

EXHIBIT No. 57.

OEFICE OF THE CLERK OF THE BOARD OF SUPERVISORS,
De Witt, Iowa, Sept. 29th, 1864.

This is to certify that Eunice Gray has this day redeemed the real property hereinafter described by payment of one $\frac{42}{100}$ dollars, as below specified, said property having been sold by the treasurer of said county for the tax of A. D. 1858 & 1859, on the 7th day of Oct., A. D. 1861.

281 Lots 21 & 22, in block 4, Arnold & Young's addition to Clinton City.

Amount sold for	68
Certificate of sale	25
Thirty per cent	20
Int. @ 10 per cent	24
Stamp	05
	$1 42

Witness my hand & the seal of the board of supervisors of Clinton County, Iowa, by me affixed.

W'M FAMILTON, *Clerk.*

[U. S. rev. stamp, 5 cents.]

Countersigned Sept. 29th, 1864.

H. ANTHONY, *Treas.*

EXHIBIT No. 8.

Know all men by these presents that I, W. G. Hannaford, of Boston, Massachusstts, am held & firmly bound unto Z. W. Arnold, of Clinton, Iowa, to make a good and sufficient warrantee deed to lots numbered 9, 10, 13, 14, 17, 18, 21, & 22, in block number 4, and lots 1, 2, 5, 6, in block number 5, of Arnold & Young's addition to South Clinton, as the same is laid down on a plat of said addition, on file in the office of the recorder of Clinton County, & State of Iowa, conditioned that the said Arnold shall well & truly pay or cause to be paid, a certain promissory note of five hundred dollars, given by him to said Hannaford, dated March 1st, 1858, and payable six months from date. All of the above-mentioned lots, excepting one & two, in block 5, having been deeded to said Hannaford by G. W. B. Dakin and Anna M. Dakin, on the 2nd day of October, A. D. 1857, for the security of five hun-
282 dred dollars, for which said note of five hundred dollars, dated 1st of March, 1858, is a renewal of said loan; and lots 1 & 2, in block 5, deeded by Z. W. Arnold & S. T. Arnold to said Hannaford, February 26th, 1858, is for further security for the payment of said note.

In witness whereof I have hereunto set my hand this 27th day of February, A. D. 1858.

W. G. HANAFORD.

STATE OF IOWA, *Clinton County, ss:*

Before me, the undersigned, a notary public in & for said county, personally appeared W. G. Hanaford, to me personally known to be the identical person whose name is subscribed to the foregoing bond, and acknowledged the same to be his voluntary act & deed, and for the purposes therein set forth.

NOTARIAL SEAL OF SAM'L CROZER, CLINTON COUNTY, IOWA.

Given under my hand and notarial seal the day and year last above written.

SAMUEL CROZER,
Notary Public.

STATE OF IOWA, *Clinton County, ss:*

Be it remembered that, heretofore, to wit, at a term of the district court in & for Clinton County, Iowa, begun and holden at De Witt, in said county, on the 7th day of Sept. A. D. 1868, and the following-entitled cause coming on to be heard on the 9th day of Sept., A. D. 1869, and still during said term of said court, the following, among other
283 proceedings, were had therein, to wit:

EUNICE N. GRAY *vs.* GEO. A. GRISWOLD. } 2252. In equity.

SEPT. 9TH, A. D. 1869.

This day this cause came on to be heard, and the plaintiff appeared by D. Gray, esq., her attorney, and the defendant, by A. R. Cotton, esqr., his attorney, and this cause coming on to be tried before the court, the court having heard all the allegations and proofs, and being fully advised in the premises, it appearing to the court that this action is brought by plaintiff to require the defendant Griswold to correct an error in the certain sheriff's deed, set forth in the petition of the plaintiff herein, caused by the omission of the name of Z. W. Ar-

nold (one of the execution defendants in a certain cause in which the said Eunice N. Gray was plaintiff, and Abel Chandler, Z. W. Arnold, Jacob Iliff, and James Green were defendants, upon which said cause judgment was recovered by said plaintiff & against said defendants, on the 10th day of June, 1859,) from said deed, in connection with the names of said Abel Chandler, Jacob Iliff, and James Green, execution defendants, as aforesaid; and it further appraring to the court that said deed, so executed by said Griswold, at the date of its execution, the 16th day of July, A. D., 1862, sheriff of Clinton County, Iowa,
284 should contain and recite the name of Z. W. Arnold, as aforesaid, as one of said execution defendants, and that said deed was recorded Feb. 26th, 1864, in book of deeds F of town lots, pages 98, 99, & 100, in the office of the recorder of Clinton County, Iowa.

It is ordered, adjudged, and decreed by the court that the said defendant Geo. A. Griswold be, & he is hereby, commanded to insert in said deed the name of Z. W. Arnold as one of the execution defendants therein mentioned; and in default of said Griswold complying with this order within 10 days from this rendition of this decree, the recorder of Clinton County is hereby authorized, empowered, & commanded to insert the name of said Arnold therein & upon the deed aforesaid, as recorded in book of deeds F of town lots, pages 98, 99, & 100, now in his office; and it is further ordered by the court that the plaintiff pay the costs of this proceeding taxed at dollars.

STATE OF IOWA, *Clinton County, ss:*

I, Noel B. Howard, clerk of the district court in & for said county and State, hereby certify that the above and foregoing is a full, true, and complete copy of the record entry of judgment in the above entitled cause as the same appears from the records of said court.

In witness whereof I have hereto set my hand & affixed the seal of said court at De Witt, in said county, this 18th day of Jan., A, D. 1869.

[SEAL.] N. B. HOWARD,
Clerk of Dist. Court.

285 The following, marked Exhibit 55, was filed for record Jan. 18th, 1869, at 2.25 o'clock p. m.. Recorded in book I of town lots, pages 241 & 242.

J. D. FEGAN, *Recorder.*

EXHIBIT NO. 54.—*Deed of trust.*

This indenture, made the 1st day of Oct., A. D. 1858, between Zara W. Arnold and Savice T. Arnold, his wife, of the city of Clinton, & State of Iowa, of the first part, and Eunice N. Gray of the same place, of the second part, witnesseth: That the said party of the first part, for the consideration of the sum of six hundred & fifty dollars, the receipt whereof is hereby acknowledged, do, by these presents, grant, bargain, sell & convey unto the said party of the second part, & her heirs, the following-described tract of real estate, lying and being situated in the county of Clinton, & State of Iowa, to wit: All that certain lot number four, (4,) in block twenty-one, (21,) fronting fifty feet on Fifth avenue, and one hundred and fifty feet deep, running back to an alley twenty feet wide, and extending fifty feet on said alley; and also lots number 16 & 17, in block seven, (7;) and lots 3, 4, & 5, in block 4, as the same are numbered in Arnold & Young's addition to South Clinton, which is recorded in the recorder's office of said county: To have & to hold said

premises above described unto the said second party forever.
286 And the said first party hereby covenants that said premises are free from any incumbrances, and that they have full right, power, and authority to convey the same, in trust, however, for the following uses & purposes, and no other, to wit: The said Zara W. Arnold having this day executed unto the said Eunice N. Gray a promissory note for the sum of six hundred and fifty dollars ($650 00) payable on the 3rd day of December, 1858, with int. at the rate of ten per cent. per annum:

Now the better to secure the payment of said note according to the tenor & effect thereof, the said party of the first part hereby convey the premises aforesaid to the said Eunice N. Gray, in trust, for the security of said payment; & in case the said Zara W. shall fail or refuse to pay said note when due, then in that case Daniel Gray, as her, Arnold, trustee, shall be authorized to advertize said property in some newspaper printed in the county of Clinton, as aforesaid, at least 20 days, and sell the same at public auction, at the Iowa Central Hotel, in Clinton City, to the highest bidder for cash in parcels & tracts of such size as the said Daniel Gray shall deem most advantageous for the said party of the first part, or so much thereof as shall be necessary to satisfy the amount then due, with costs & expenses of making such sale, & account
287 for, & pay over the balance of the proceeds, (if any there be,) to the party of the first part, his heirs & assigns or representatives on demand, and he, the said Daniel Gray, will be fully authorized & empowered to execute a deed in fee-simple for the premises aforesaid, or so much thereof as he may sell, to the purchaser thereof, which deed will be absolute, & prevent the said party of the first part, their heirs or assigns, from ever setting up any claim thereto, either in law or equity. The said party of the first part further stipulate, direct, and agree that in the case of the death, incapacity, or refusal of the said Daniel Gray to act, then and in that case the acting judge of the county court of Clinton County is hereby authorized and requested to appoint a suitable person to act as trustee; and any person so appointed shall be clothed with all the power & authority to act that is herein given to the said Daniel Gray.

In testimony whereof the said party of the first part have hereunto set their hands & seals the day first above written.

SAVIA T. ARNOLD. [L. S.]
Z. W. ARNOLD. [L. S.]

STATE OF IOWA, *Clinton County, ss:*

Be it remembered that, on the 20th day of August, A. D. 1860, before the undersigned, H. B. Horton, a notary public in & for said county,
288 personally appeared Z. W. Arnold and Savia T. Arnold, his wife, to me personally known to be the identical persons whose names are affixed to the foregoing deed as grantors, and acknowledge the instrument to be their voluntary act & deed, and the said Savia T. Arnold acknowledged that she executed the same without fear or compulsion, & for the express purpose of relinquishing her right of dower in the premises herein conveyed. Witness my hand & notarial seal the day & year above-written.

[SEAL.] H. B. HORTON, *Notary Public.*

The above trust deed was filed for record Sept. 5th, 1860, at 2 o'clock & 30 min. p. m., & recorded in book J of mortgages, pages 493 & 494.

STEPHEN LOCKWOOD, *Recorder.*

EXHIBIT No. 53.—*Trustee's deed.* [No. 279.

This indenture, made & executed this 17th day of Jan., A. D. 1861, by & between Daniel Gray, of the county of Clinton, & State of Iowa, of the first part, and Eunice N. Gray, of the same place, of the second part, witnesseth:

That whereas Zara W. Arnold & Savia T. Arnold, of the same place, by a certain deed of trust bearing date the 1st day of Oct., A. D. 1858, for the consideration of six hundred & fifty dollars, did bargain, sell, & convey unto the said Daniel Gray, trustee, & to his heirs & assigns, forever, all of the following-described parcel of land, situated in the
289 county of Clinton, and State of Iowa, to wit: All that certain lot number four, (4,) in block twenty-one, (21,) fronting fifty feet on Fifth avenue, and one hundred and fifty feet deep, running back to an alley twenty feet wide, and extending fifty feet in said alley; and also lots number 16 & 17, in block number 7; and lots number 3, 4, & 5, in block 4, as the same are numbered in Arnold & Young's addition to South Clinton, which is recorded in the recorder's office of said county, which deed was made subject to a proviso therein contained, that the same was made for the purpose of securing the payment of six hundred and fifty dollars payable on the 3rd day of Dec., 1858, with interest at the rate of ten per cent. per annum, with a special power in said deed of trust, authorizing said Daniel Gray, trustee as aforesaid, in case said Arnold should neglect to pay said $650 00 aforesaid, or any part thereof, or the interest when due, to advertise said property in any newspaper printed in the county of Clinton, at least 20 days, and sell the same at public auction at the Iowa Central Hotel, in Clinton, to the highest bidder, for cash, with power to execute to the purchaser a deed in fee-simple for the premises aforesaid, which deed should be absolute & prevent said Arnold of the first part, & their heirs from setting up any claim thereto, either in law or equity;

290 And whereas said deed of trust was duly recorded upon the records of said Clinton County, on the fifth day of September, A. D. 1860, as appears endorsed thereon, and in book K, pages 493 & 494, to which deed, & the record, and the power therein, reference is hereby made, & in which all the matters recited herein more fully and at large appear; and whereas default having been made in the payment of the money so secured by said deed of trust, the premises hereinbefore particularly described & set out, were, on the 16th day of Jan., A. D. 1861, at the hour of 10 o'clock in the forenoon, and at the Iowa Central Hotel, in said county, sold at public auction *sold* to Eunice N. Gray, the said party of the second part, for the sum of two hundred dollars, she being the highest & best bidder therefor, public notice having been previously given of said sale, by an advertisement inserted in a newspaper printed & published in said county of Clinton and entitled the "Clinton Herald:"

Now, therefore, this indenture witnesseth: That the said party of the first part, for & in consideration of the sum aforesaid bid, and to him in hand paid, the receipt whereof is hereby acknowledged, by the said party of the second part, has granted, bargained, & sold, and by these presents, does grant, bargain, & sell & convey unto the said party of the second part, *his* heirs & assigns, forever, all and singular the
291 parcel of land which is hereinbefore set out and described, with all the rights & privileges thereto belonging and appertaining, as the same are described and conveyed in said deed of trust, and all the right, title, and interest of said Arnold, whether in law or equity,

as well as of the said party in & to the premises before mentioned and described, and every part thereof, as fully to all intents & purposes, as the said party of the first part has power and authority to give, grant, and sell the same by virtue of said deed of trust:

To have and to hold the said premises, and every part thereof, with all the appertenances to her, the said second party, & to her heirs & assigns, forever.

In witness whereof, the said party of the first part has hereunto set his hand & seal, the day & year first above written.

DANIEL GRAY. [L. S.]

STATE OF IOWA, *County of Clinton, ss:*

Be it remembered that, on the 16th day of July, A. D. 1862, before the undersigned, a notary public in & for said county, personally appeared Daniel Gray, to me personally known to be the identical person whose name is affixed to the foregoing deed as grantor, and acknowledged the instrument to be his voluntary act & deed. Witness my
292 hand and notarial seal, the day & year last above written.

{ NOTARIAL SEAL. } W'M FAMILTON, *Notary Public.*

The foregoing trustee's deed was filed for record this 26th day of Feb. A. D. 1864, at 9 o'clock a. m., and recorded in book F of town lots, pages 96, 97, & 98.

H. ANTHONY, *Recorder.*

EXHIBIT No. 52.—*Sheriff's deed on general execution.*

This indenture, made this 16th day of July, A. D. 1862, between George A. Griswold, sheriff of the county of Clinton, in the State of Iowa, of the first part, and Eunice N. Gray, of the second part:

Whereas, at the June term of the district court, in & for the county of Clinton, in the said State of Iowa, held at the court-house, on the 10th day of June, A. D. 1859, before the Hon. John F. Dillon, sole presiding judge of said court, it was, among other things, ordered, adjudged, & decreed by the said court, in a cause therein depending between Eunice N. Gray, plaintiff, and Abel Chandler, Jacob Iliff, & James Green, defendants, that the said plaintiff have and recover judgment against the said defendants, for the sum of $275 00 and forty-three cents, and costs of suit, taxed at eight $\frac{75}{100}$ dollars, and that execution issue therefor, as in such case by the law made and provided;

And whereas, afterwards, to wit, on the 10th day of April, A.
293 D. 1861, an execution was issued on said judgment, and placed in the hands of C. H. Poll, sheriff, for service; and the said sheriff, in pursuance of the judgment, order, and decree of said court in said action, and in pursuance of said execution, and of the statute in such case made & provided, on the 15th day of April, A. D. 1861, made a levy of said execution on the property hereinafterward mentioned & described;

And whereas the said sheriff, Toll, in pursuance of the judgment, order, & decree of said court in said action, and in pursuance of the levy aforesaid, and the statute in such case made & provided, did, on the 16th day of May, A. D. 1861, sell at public auction, at the post office, in the city of Clinton, in said county of Clinton, the premises mentioned in the said levy, and hereinafter described, after having given due & legal no-

tice of the time, place, & terms of such sale, and advertised the said real estate by advertising & posting notices, as required by law; and, whereas, at the said sale, the said premises were struck off to and purchased by Eunice N. Gray, at & for the sum of $234 00 dollars, that being the highest sum bid for said real estate, and the said sheriff, Toll, executed & delivered to said Eunice N. Gray, a certificate sale for the real estate hereinafter mentioned & described, reciting, among
294 other things, that said purchaser will be entitled to a deed for the property so sold, on the 16th day of May, A. D. 1862, unless the same shall be redeemed, as is provided by law; and as said real estate, with the exception of lots number 3, in block 6, and lots number 25 & 26, in block number 5, in Arnold & Young's addition to South Clinton, Clinton City, Clinton County, Iowa, has not been redeemed within the time specified by law:

Now, therefore, this indenture witnesseth: That the party of the first part, sheriff as aforesaid, in order to carry into effect the sale so made in pursuance of the said decree of said court, and by virtue of the statute in such case made & provided, and in consideration of the sum of two hundred and thirty-four dollars, (234 00,) to him in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, hath granted, bargained, & sold, and by these presents does grant, bargain, & sell, & convey unto the said party of the second part, and to her heirs & assigns, forever, the following-described real estate, situated in the county of Clinton, & State of Iowa, described as follows, to wit: Lots 10, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, & 24, in block 6; also lots 2, 6, 7, 8, 21, 22, 25, 26, 27, 28, 29, & 30, in block 4; also, lots 1, 2, 16, 21, 22, 25, & 26, in block 5; also lots 1, 2, 4, 5, 6, 7, 8, & 9, in block 6, all of the above-described real estate being
295 situated in Arnold & Young's addition to Clinton City, Clinton County, Iowa:

To have and to hold the above described premises with the appurtenances thereunto belonging unto the said party of the second part, and to her heirs & assigns forever.

In witness whereof the said party of the first part, sheriff as aforesaid, has hereunto set his hand & seal the day & year first above mentioned.

GEORGE A. GRISWOLD,
Sheriff of Clinton County, Iowa.

STATE OF IOWA, *County of Clinton, ss:*

Be it remembered that, on the 16th day of July, A. D. 1862, before *the* a notary public in & for said county, came Geo. A. Griswold, to me personally known to be the identical person whose name is subscribed to the foregoing sheriff's , and as grantor, and acknowledged the instrument to be his voluntary act & deed as sheriff of said county, & that he executed the same for the purposes therein mentioned.

Witness my hand & notarial seal the day and year last above written.

[NOTARIAL SEAL.] W'M FAMILTON,
Notary Public.

The foregoing was filed for record August 19th, 1869, at 2.45 o'clock p. m., and recorded in book J of town lots, page 499.

J. D. FEGAN, *Recorder.*

296 EXHIBIT No. 51.—*An agreement between Dwight Reed & Z. W. Arnold.*

Articles of agreement made & concluded this 17th day of March, A. D. 1859, between Dwight Reed, of Honesdale, Wayne County, Pennsylvania, & Z. W. Arnold, of Clinton County, Iowa, witnesseth:

That said Reed did, on the 20th day of July, A. D. 1855, furnish to said Arnold the sum of $900 to be invested in real estate in the State of Illinois & Iowa, which was to draw interest at 7 per cent. per annum, which now amounts to $1,131 00; said sum of $1,131 00 is to be reimbursed to said Reed, and all proceeds above said sum & interest arising from said investments to be equally divided between said Reed & Arnold, their heirs, executors, or assigns; and whereas such investments stand at this time as follows—In the name of said Arnold, the following described property to wit: Section No. 15, in township No. 19 north, range 8 east of the fourth principal meridian, in Lee County, Illinois, upon which there is a trust deed for the sum of $1,881 26; the north half of the southwest quarter of section No. 10, in township 21 north, range 3 east of the 4th principal meridian, in Whiteside County, Illinois; in Arnold & Young's addition to South Clinton, in Iowa, 300 feet
297 more or less, in block 3, on the south side of 9th avenue; in block number 4, lots 3, 4, 5, 6, 7, 8, 25, 26, 27, 28, 29, & 30; in block 6, lots 1, 2, 3, 5, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, & 24; also, in block 7, lots 20, 21, 22, 23, & 24; also, the following obligations in his hands: Henry Dart's 2 notes of $500 00 each, ten per cent. interest from June 18th, 1856; Louisa Listerman's one note for $316 00, drawing interest at 10 per cent. from March, 1857; and Ann Hernsley's 2 notes for $158 00 each, drawing interest at 10 per cent. from April 3rd, 1857—In the name of said Reed, lots 1 & 2, in block 20, & lot 49, in block 4, in the original plat of the city of Clinton, Iowa.

It is agreed by and between the two parties that the said Arnold shall convey to the said Reed titles to the real estate herein mentioned, which is now in his name, excepting lot 3, in block 6, and lots 3, 4, 5, 6, 7, & 8, in block 4, as security to said Reed for his investments of $1,131 00 and interest, and obligations now in the hands of said Arnold.

And further, said Reed agrees to give to said Arnold a power of attorney, general & specific, sufficient to enable him to convey said real estate in the name of said Reed, and transact all other business pertaining thereto, as his agent & attorney. And it is further agreed by & between the said parties, that when either party wishes to terminate this agreement, he shall give to the other reasonable notice in
298 writing & at such termination said Reed, his heirs, executors, or assigns shall first receive the investment of $1,131 00 and the interest thereon at 7 per cent. per annum from this date. And the balance of the above-described investments and their proceeds, whatever may remain, shall be equally divided between the said parties, their heirs, executors or assigns, and titles made according to such division.

Given under our hands this 17th day of March, A. D. 1859.

DWIGHT REED.
Z. W. ARNOLD.

EXHIBIT No. 50.—*Deed of Francis Wier to Z. W. Arnold.*

Know all men by these presents that I, Francis Wier, in consideration of $2,100 00 to me paid by Zera W. Arnold, the receipt whereof is

hereby acknowledged, do by these presents sell & convey unto said Zera W. Arnold, the following described tracts of land, to wit: The north-east quarter of the southwest quarter of section 12, in township 81 north, of range 6 east of the 5th principal meridian, containing 40 acres of land, more or less; and also a part of the northwest quarter of the south-east quarter of section 12, in said township, and described as follows: commencing 13 rods north of the southwest corner post; thence running north to the center of said section 12; thence east 59
299 rods and 16 links; thence south 43 rods and 12½ links, and thence west bearing south to the place of beginning: containing 20 and $\frac{63}{100}$ acres, more or less; and also all of lots number 1 & 2 in section 18, in said township, north of range 7 east of the 5th principal meridian, excepting 40 acres of land, on the north, which I have deeded to Augustus L. Ankeney; and also, excepting out of said lots 20 and $\frac{63}{100}$ acres, conveyed to James Ashworth, leaving about 40 acres and $\frac{10}{100}$ more or less, being the said premises described in a bond for a deed given by the said Wier to the said Arnold bearing date July 28th, A. D. 1855:

To have & to hold the above-described premises to the said Arnold & his heirs & assigns, to his and their use and behoof forever; and I do covenant with the said Arnold and his heirs & assigns, that the premises are free of all incumbrances, and that I will, and my heirs, executors, & administrators shall, warrant & defend the above-granted premises against the lawful claims & demands of all persons.

In witness whereof I have hereunto set my hand & seal this 14th day of June, A. D. 1856.

FRANCIS WEIR.

In presence of—
I. BALDWIN.

Be it remembered that, on the 14th day of June, A. D. 1856,
300 before me, a notary public in & for the county of Clinton, & State of Iowa, personally appeared Francis Weir, to me known to be the identical person whose name is affixed to the foregoing instrument, to be his free act & deed.

In witness whereof I have hereunto set my hand & affixed my notarial seal.

[NOTARIAL SEAL.] ISAAC BALDWIN,
Notary Public.

Filed for record June 23*th*, at 3 o'clock p. m., and recorded in book K of deeds, pages 95 & 96.

T. F. BUTIEFULIR, *Recorder.*

K. W. Wheeler, notary. Fees $5 00. Received payment of plaintiff's attorney.

K. W. WHEELER.

(Indorsed:) Filed Jan. 28th, 1870. W'm Elliott, clerk.

301 STATE OF IOWA, *County of Clinton, ss:*

In district court for said county.

EUNICE N. GRAY, PLAINTIFF,
vs.
W'M F. COAN ET AL., DEFENDANTS.

It is hereby stipulated and agreed that the time of *time of* hearing

testimony in the above-entitled cause, on both sides, may be adjourned to Aug. 19th, 1869, at 1 o'clock p. m., then to be taken in accordance to notices heretofore served.

Aug. 16th, 1869.

D. GRAY,
Attorney for Plaintiff.
WALTER I. HAYES,
Attorney for Defendants.

STATE OF IOWA, *County of Clinton, ss:*

In district court for said county.

EUNICE N. GRAY, PLAINTIFF,
vs.
W'M F. COAN ET AL., DEFENDANTS.

To D. Gray, Esq., attorney for plaintiff:

You are hereby notified that J. D. Fegan, W'm F. Coan, Robert Williams, and such other witnesses as said defendants may desire to examine, will be examined, and their depositions taken in the above-entitled cause before K. W. Wheeler, esq., a notary public in & for said county, at his office, in De Witt, on the 17th day of Aug., A. D. 1869, at 9 o'clock a. m.

Aug. 2nd, 1869.

WALTER I. HAYES,
Attorney for Defendants.

302 STATE OF IOWA, *County of Clinton, ss:*

J. P. Hoppy, being by me first duly sworn, deposes and says that, on the 6th day of August, 1869, he served a notice, of which the within is a copy, on D. Gray, at the city of Clinton, in said county & State.

J. P. HOPPY.

Subscribed & sworn to before me and in my presence by said J. P. Hoppy, this 6th day of August, 1869.

Witness my hand and seal.

[NOTARIAL SEAL.]

WALTER I. HAYES,
Notary Public.

Depositions of witnesses produced, sworn, and examined at De Witt, in the county of Clinton, & State of Iowa, before K. W. Wheeler, a notary public in & for said county, in pursuance of the annexed notice, in an action now pending in the district court of the State of Iowa, in & for said county, wherein Eunice N. Gray is plaintiff, and W'm F. Coan, Walter I. Hayes, Patrick Judge, Cornelius Shay, Patrick Haley, Orin Martin, W'm Rogan, Timothy Haley, Patrick Riley, and Anthony Rowan are defendants. The testimony to be used by both parties.

On the 16th day of August, 1869, the day mentioned in the notice, neither party appeared, but a stipulation was received by mail for
303 a continuance of the matter until August 19th, 1869, at one o'clock p. m.

AUGUST 19TH, 1869—10 *o'clock p. m.*

Plaintiff appears by D. Gray, her attorney, and defendants by W. I.

Hayes, their attorney, and W'M FAMILTON, being produced, sworn, and examined on the part of the plaintiff, deposed as follows:

Int. 1st. Was you the clerk of the district court and ex-officio clerk of the board of supervisors in & for Clinton County, Iowa, for the years 1864 & 1865?

Ans. 1st. I was.

Int. 2nd. Were you the officer who signed these papers, signed A, B, C, D, E, F, & G, copies of which are attached to this deposition, 8 in number?

(Question objected to on the ground the exhibits show on the face that they are immaterial & irrelevant to the issue as *their own*.)

Ans. 3rd. I am.

Int. 3rd. Do you know Horace Anthony?

Ans. 3rd. I do.

Int. 4th. Was Horace Anthony treasurer of Clinton County in the years 1864 & 1865, at the dates of the certificates of redemption?

Ans. 4th. Yes.

Int. 5th. Has he signed those certificates as such officer?

(Objected to by defendant as being irrelevant & incompetent to the issue, & that it is not shown witness is *in*competent to tell.)

304 Ans. 5. I believe that those papers were signed by Horace Anthony.

Int. 6. Do you know his handwriting?

Ans. 6. I do.

Int. 7. Do you know of any other redemption of the lots named in the certificates, except the ones made by me?

Ans. 7. I do not know of any other, but there may be.

(It is *argued* by the attorn*ies* hereto that there were no other certificates of redemption of the lots for those years made by any one.)

Int. 8. Are you acquainted with the signature of K. W. Wheeler to these papers?

Ans. 8. I am.

Int. 9. Was he county judge and ex-officio county auditor at the dates recited therein?

Ans. 9. He was.

Cross-interrogatories by defendant:

Cross-int. 11. Did you ask the clerk of the board of supervisors to attach to the tax lists for the years for which lands were sold for taxes in this county for the year 1862, a warrant under your hand, and the official seal of said board of supervisors, requiring the treasurer of said county to collect the taxes therein levied according to law?

Ans. to cross 11. I did for the years I was clerk of the board.

(It is admitted by both parties that the clerk of the board of
305 supervisors for the years 1861 & 1862, if sworn, would testify the same as witness Familton to int. Nos. 10 & 11.)

Cross-int. 10th. Did the board of supervisors of Clinton County, Iowa, order or direct you to collect the taxes mentioned in the defendant's deed, dated Oct. 6th, 1862, as set forth in this case?

(Objected to by defendants for the reason that the record of the proceedings of the board of supervisors is the best evidence of their acts, & consequently the question is incompetent.)

Ans. to cross 10. They did not.

(The defendants admit that the answer given by the witness is true, and waives any objection to the introduction of the records of the board of supervisors. Here plaintiff introduces two certificates of redemption,

copies of which are hereto attached, marked Exhibits F & G, and asks to have them introduced as evidence, which was objected to by defendants for the reason that they are immaterial & irrelevant to the issue, & it is not shown that the person redeeming had any right to redeem.)

W'M FAMILTON.

NOEL B. HOWARD, a witness produced, sworn, and examined upon part of plaintiff, testifies as follows:

Int. 1st. Are you the clerk of the district court of Clinton County, Iowa?

306 Ans. 1st. I am.

Int. 2nd. (Plaintiff presents a paper and asks the following question:) Is that a copy of an execution, levy, & return of the sheriff in a case in said court, wherein Eunice N. Gray was plaintiff, and Abel Chandler & others were defendants?

Ans. 2nd. It is.

Int. 3rd. Are those papers copies of the records in your office?

Ans. 3rd. They are.

Int. 4th. Are the certificate, and seal, and signature attached yours, as such officer?

Ans. 4th. Yes.

(Plaintiff therefore offers the copies above referred to, and hereto attached as Exhibit No. 1, in evidence, and the same are objected to by defendants, for the reason that they are immaterial and irrelevant.

Int. 5th. Have you the judgment docket and default docket of the case of W'm G. Hannaford against Z. W. Arnold?

Ans. 5th. I have.

Int. 6th. What is the date of the judgment in that case?

Ans. 6th. Yes; it is September 14th, 1860.

Int. 7th. What is the amount of the damages, rate of interest, & costs of that judgment?

Ans. 7th. The damages are $601 81; rate of interest is 10 per cent., and costs are $5 50 *dollars*.

Int. 8th. Upon what was that judgment a covenant?

307 (Objected to by defendants on the ground that the records are the proper evidence of it, and that it cannot be shown by parol.)

Ans. 8th. From the petition on file it seems to have been brought upon a promissory note.

Int. 9th. Will you give date and amount of the note, and who signed the same, & to whom is it payable?

(Objected to by defendants for the reason that the record is the proper evidence of it and that the same cannot be shown by parol.)

Ans. 9th. The date of the note is Clinton City, Iowa, March 1st, 1858; amount is $50 00; is signed by Z. W. Arnold as maker, and is payable to W. G. Hanaford or order.

Int. 10th. Is the copy of the note presented and hereto attached marked Exhibit "I," the one above referred to?

(Objected to by defendants as irrelevant, immaterial, and incompetant proofs of the facts.)

Ans. 10th. Yes, it is.

Int. 11th. Have you the record of the judgment in the suit of Mary A. Perry against Z. W. Arnold & others, together with the date and amount of the same? If so, state.

Ans. 11th. I have them. The date is Dec. 10th, 1864, and the amount of the judgment is $139 45 *dollars*; rate of interest, ten per cent.; and costs, $14 05 *dollars*.

Int. 12th. Have you the original note upon which this suit was
308 brought; will you affix a copy?

Ans. 12th. I have, and have affixed a copy of said note, marked Exhibit "J."

Cross-examination by defendants:

Int. 13th. Is this paper, Exhibit No. 2, a copy of the mortgage or trust deed the original of which is on file in the records in that case—case of Perry vs. Arnold & others?

Ans. 13th. It is.

Int. 14th. Will you give the names of all the defendants in that case? If so, give them.

Ans. 14th. I will, and they are Z. W. Arnold, S. T. Arnold, Daniel Garvin, Eunice N. Gray, D. P. McDonald, W. G. Hanaford, Finnil & Culbuston.

Int. 15th. Where was the original petition filed in this cause, previous to the dismissal of the case of March, 1869?

Ans. 15th. The first case of Gray vs. Coan was filed first Feb. 22nd, 1867.

Int. 16th. The petition you refer to in your last answer was not in this suit or any suit between the same parties, was it?

Ans. 16th. The petition I refer to was the suit of Gray & Gray vs. Coan, which was dismissed, and it was not this case.

N. B. HOWARD.

Z. W. ARNOLD, a witness produced, sworn, & examined upon the part of the plaintiff, testifies as follows:

Int. 1st. Did you own the ground upon which the plat of Arnold & Young's addition is laid out?

309 (Objected to on the ground that the testimony is incompetent to prove the alleged fact, and is not the proper or best proof of the fact.)

Ans. 1st. I did at the time it was laid out.

Int. 2nd. Of whom did you buy it?

(Objected to by defendant on the ground that the same is incompetent testimony to prove the alleged fact, and is not the proper or best proof of the fact.)

Ans. 2nd. Of Francis Wier.

Int. 3rd. Is that the deed of him to you?

Ans. 3rd. Yes; with other property with it.

Int. 4th. Did you make that copy?

Ans. 4th. I did.

(Plaintiff offers as evidence a copy of the above deed hereto attached, marked Exhibit No. 3, which is objected to by defendant, for the reason that it is not shown to have any material*by* or relevancy to the issue in this case, & by the statements of the witness he now has the original deed, of which copy is offered him, present in his own possession.)

Int. 5th. Did you plat all of Arnold & Young's addition?

Ans. 5th. I did; or caused the same to be done.

Int. 6th. Did you have the plat recorded?

(Objected to on the ground that it is not competent testimony of the alleged fact, and not the proper or best testimony of the fact.)

310 Ans. 6th. I did, according to the laws & statute of the State.

Int. 7th. Did you ever make a loan of money of Dwight Reed?

Ans. 7th. I did.

Int. 8th. How much?

(Objected to by defendants as immaterial and irrelevant.)

Ans. 8th. Nine hundred dollars, ($900 00,) I think.

Int. 9th. About what time was that loan made?

(Objected to by defendant as immaterial and irrelevant.)

Ans. 9th. Made on the 20th day of July, 1855.

Int. 10th. What arrangement did you make with him for the payment of the loan?

(Objected to as immaterial & irrelevant, & for the reason that it is improper to give in testimony the arrangements with a party not a party to this suit.)

Ans. 10th. Subsequently I made an agreement with him, and deeded to him, in accordance with said agreement, certain lots in Arnold & Young's addition to secure the said payment, with the interest thereon.

Int. 11th. Was that agreement put in writing?

(Objected to by defendants for the reason that the same is immaterial & irrelevant.)

Ans. 11th. It was.

Int. 12th. Is that the writing? (Showing witness a paper.)

(Objected to by defendant as being immaterial & irrelevant.)

Ans. 12th. That is the agreement that was there made and executed?

311 Int. 13th. Is that a copy of it? (Showing witness another paper.)

(Objected to by defendant as immaterial and irrelevant.)

Ans. 13th. It is.

Int. 14th. Did you, at the same time, draw up that paper, to'? (Showing witness another paper.)

(Objected to by defendant as being immaterial and irrelevant.)

Ans. 14th. This is a copy of the deed executed at the time of the agreement.

Int. 15th. Were both papers drawn on the date they bear date, to wit, March 17th, 1859?

(Objected to by defendant as being immaterial and irrelevant.)

Ans. 15th. They were.

Int. 16th. Was there any other deed, mortgage, or security that was placed on record from you to Dwight Reed?

(Objected to by defendant as being irrelevant, incompetant, and immaterial.)

Ans. 16th. There was none other.

Int. 17th. Has that agreement ever been terminated between you & Reed in any way or shape?

(Objected to by defendant as being irrelevant, incompetant and immaterial.)

Ans. 17th. It has never been terminated.

Int. 18th. For what purpose was the deed to Dwight Reed given?

(Objected to by defendant as being irrelevant, incompetant, and immaterial.)

Ans. 18th. For the purposes stated in the agreement—to secure the loan.

312 Int. 19th. Did Reed, at the time referred to, take the deed in full payment of the loan?

(Objected to by defendant for the reason same is irrelevant, immaterial, and incompetant, and that Reed's declarations, agreements, or refusals are not evidence against or binding upon the plaintiffs.)

Ans. 19th. Yes, he did.

Int. 20th. Was the deed a mortgage security for the loan?

Int. 12th. Have you the original note upon which this suit was
308 brought; will you affix a copy?

Ans. 12th. I have, and have affixed a copy of said note, marked Exhibit "J."

Cross-examination by defendants:

Int. 13th. Is this paper, Exhibit No. 2, a copy of the mortgage or trust deed the original of which is on file in the records in that case—case of Perry vs. Arnold & others?

Ans. 13th. It is.

Int. 14th. Will you give the names of all the defendants in that case? If so, give them.

Ans. 14th. I will, and they are Z. W. Arnold, S. T. Arnold, Daniel Garvin, Eunice N. Gray, D. P. McDonald, W. G. Hanaford, Finnil & Culbuston.

Int. 15th. Where was the original petition filed in this cause, previous to the dismissal of the case of March, 1869?

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Ans. 16th. The petition I refer to was the suit of Gray & Gray vs. Coan, which was dismissed, and it was not this case.

N. B. HOWARD.

Z. W. ARNOLD, a witness produced, sworn, & examined upon the part of the plaintiff, testifies as follows:

Int. 1st. Did you own the ground upon which the plat of Arnold & Young's addition is laid out?

309 (Objected to on the ground that the testimony is incompetent to prove the alleged fact, and is not the proper or best proof of the fact.)

Ans. 1st. I did at the time it was laid out.

Int. 2nd. Of whom did you buy it?

(Objected to by defendant on the ground that the same is incompetent testimony to prove the alleged fact, and is not the proper or best proof of the fact.)

Ans. 2nd. Of Francis Wier.

Int. 3rd. Is that the deed of him to you?

Ans. 3rd. Yes; with other property with it.

Int. 4th. Did you make that copy?

Ans. 4th. I did.

(Plaintiff offers as evidence a copy of the above deed hereto attached, marked Exhibit No. 3, which is objected to by defendant, for the reason that it is not shown to have any material*by* or relevancy to the issue in this case, & by the statements of the witness he now has the original deed, of which copy is offered him, present in his own possession.)

Int. 5th. Did you plat all of Arnold & Young's addition?

Ans. 5th. I did; or caused the same to be done.

Int. 6th. Did you have the plat recorded?

(Objected to on the ground that it is not competent testimony of the alleged fact, and not the proper or best testimony of the fact.)

310 Ans. 6th. I did, according to the laws & statute of the State.

Int. 7th. Did you ever make a loan of money of Dwight Reed?

Ans. 7th. I did.

Int. 8th. How much?

(Objected to by defendants as immaterial and irrelevant.)

Ans. 8th. Nine hundred dollars, ($900 00,) I think.

Int. 9th. About what time was that loan made?

(Objected to by defendant as immaterial and irrelevant.)

Ans. 9th. Made on the 20th day of July, 1855.

Int. 10th. What arrangement did you make with him for the payment of the loan?

(Objected to as immaterial & irrelevant, & for the reason that it is improper to give in testimony the arrangements with a party not a party to this suit.)

Ans. 10th. Subsequently I made an agreement with him, and deeded to him, in accordance with said agreement, certain lots in Arnold & Young's addition to secure the said payment, with the interest thereon.

Int. 11th. Was that agreement put in writing?

(Objected to by defendants for the reason that the same is immaterial & irrelevant.)

Ans. 11th. It was.

Int. 12th. Is that the writing? (Showing witness a paper.)

(Objected to by defendant as being immaterial & irrelevant.)

Ans. 12th. That is the agreement that was there made and executed?

311 Int. 13th. Is that a copy of it? (Showing witness another paper.)

(Objected to by defendant as immaterial and irrelevant.)

Ans. 13th. It is.

Int. 14th. Did you, at the same time, draw up that paper, to'? (Showing witness another paper.)

(Objected to by defendant as being immaterial and irrelevant.)

Ans. 14th. This is a copy of the deed executed at the time of the agreement.

Int. 15th. Were both papers drawn on the date they bear date, to wit, March 17th, 1859?

(Objected to by defendant as being immaterial and irrelevant.)

Ans. 15th. They were.

Int. 16th. Was there any other deed, mortgage, or security that was placed on record from you to Dwight Reed?

(Objected to by defendant as being irrelevant, incompetant, and immaterial.)

Ans. 16th. There was none other.

Int. 17th. Has that agreement ever been terminated between you & Reed in any way or shape?

(Objected to by defendant as being irrelevant, incompetant and immaterial.)

Ans. 17th. It has never been terminated.

Int. 18th. For what purpose was the deed to Dwight Reed given?

(Objected to by defendant as being irrelevant, incompetant, and immaterial.)

Ans. 18th. For the purposes stated in the agreement—to secure the loan.

312 Int. 19th. Did Reed, at the time referred to, take the deed in full payment of the loan?

(Objected to by defendant for the reason same is irrelevant, immaterial, and incompetant, and that Reed's declarations, agreements, or refusals are not evidence against or binding upon the plaintiffs.)

Ans. 19th. Yes, he did.

Int. 20th. Was the deed a mortgage security for the loan?

(Objected to by defendant as being immaterial, irrelevant, and incompetant, and asks for a legal conclusion & not a fact.)

Ans. 20th. It was so considered and so embodied in the agreement.

Int. 21st. Is the contract to which you have sworn, still subsisting and open as between you and Reed?

(Objected to as immaterial, irrelevant, and incompetant, and asks for a legal conclusion and not a fact.)

Ans. 21st. It is.

Int. 22d. Did you make a loan of Miss Mary A. Perry at one time?

(Objected to by defendant for reason same is immaterial and irrelevant.)

Ans. 22nd. I did.

Int. 23rd. What was the amount?

(Same objection as last.)

Ans. 23rd. $100 00 *dollars.*

Int. 24th. What was the note which you heard Mr. Howard read just now?

(Objected to as being immaterial, incompetant, and irrelevant.)

313 Ans. 24th. It was the note given for the loan.

Int. 25th. Is that the only loan you have made of her?

(Same objection as last.)

Ans. 25th. It is.

Int. 26th. Did you, at the same time, give her a deed of trust to secure the loan?

Ans. 26th. I did.

Int. 27th. Is that a copy of it? (Showing him a paper.)

Ans. 27th. I think it is.

Int. 28th. Did you ever give her any other grant or conveyance except that?

Ans. 28th. I never did.

Int. 29th. Did you, at one time, make a loan of W. G. Hannaford?

(Objected as being irrelevant & incompetant.)

Ans. 29th. I did.

Int. 30th. How much was it?

(Same objection as last.)

Ans. 30th. $500 00 *dollars.*

Int. 31st. Was the original note taken up once or twice, and new notes given?

(Same objection as last.)

Ans. 31st. It was.

Int. 32nd. Was the note read by Col. Howard, just now, the last note given?

(Same objection as last.)

Ans. 32nd. It was.

Int. 33rd. At the time the original note was made, was there a trust deed given to Dakin to secure the loan?

(Same objection as to the last, and that the question is *binding.*)

Ans. 23rd. There was.

314 Int. 34th. It that it? (Showing him a paper.)

(Same objection as last.)

Ans. 34th. It is.

Int. 35th. Was there any other loan or conveyance between you & Hannaford in the matter?

(Same objection as last.)

Ans. 35th. There was no other loan made. It strikes me there was a deed given to Hannaford absolute, with other lands mentioned to secure the loan.

Int. 36th. Was there any agreement made at the same time the deed was given?

(Same objection as last, and that the agreements made between witness & Hannaford, are not binding upon defendants in this case.)

Ans. 36th. There was a bond made from Hannaford to me.

Int. 37th. Have you it with you?

(Same objection as last.)

Int. 37th. I have.

(Whereupon plaintiff offers in evidence a copy of the mortgage from Z. W. *Chandler* to Dwight Reed, Exhibit No. 4; also, a copy of the agreement between Dwight Reed and Z. W. Arnold, Exhibit No. 5, which is objected to on the ground that it is immaterial, irrelevant, and incompetant, and not binding on the parties, and it is shown by the statements of the witness that he now has here, and in his possession, the original of the agreement of which this purports to be a copy,
315 and it has not been shown that this is a copy of the original.

Plaintiff then offers in evidence the copy of the plat of Arnold & Young's addition to Clinton, marked Exhibit 6. (Objected to as incompetent, irrelevant, & immaterial, and that it is not shown that the original plat is lost and not belonging to the party wishing to use the same, or that it is not within his control.)

Plaintiff then introduces as evidence a copy of the deed of Z. W. Arnold to G. W. B. Dakin, marked Exhibit 7; also the agreement of W. G. Hannaford to Z. W. Arnold, marked Exhibit No. 8. (Objected to by defendant on the ground that the same is immaterial, irrelevant, and not binding on the defendants in this case.)

Plaintiff then introduced a copy of the trust deed of Z. W. Arnold to Mary A. Perry.

It is agreed by the attorneys to this suit that the copy of plat of Arnold & Young's addition to the city of Clinton may be introduced as evidence in this cause the same as the original should be.)

Cross-examination by defendants:

Int. 38th. Where is the original deed from Francis Wier to you, about which you testified in your direct examination?

Ans. 38th. It is here in the hands of the attorney of the plaintiff.

Int. 39th. W'ere is the original contract made between you and Dwight Reed, in writing, about which you testified in your direct examination?

316 Ans. 39th. It is here, in the hands of the attorney for the plaintiff.

Int. 40th. Has not Mr. Reed told you, since the making of that contract, that he would take the lots in payment of the debt?

Ans. 40th. No.

Z. W. ARNOLD.

Plaintiff's attorney says that he holds the original papers above referred to, & will produce the same at any time when requested by the court.

It is admitted by defendants' attorney that the tax deeds, marked Exhibits Nos. 9, 10, 11, 12, 13, 14, & 15, have the genuine signature and certificate of the recorder of Clinton County, Iowa; also, that the same admission is made as to Exhibits Nos. 16 & 17, subject to the following objections: To Nos. 16 & 17, that it is not shown that the originals, or either of them, of which these Exhibits purport to be copies, are lost,

or not belonging to the party not wishing to use the same, or that they are not within his control; as to Exhibit No. 16, not binding upon the defendants in this case, because they were not parties to the suit in which the correction was made, and that both deeds are immaterial, irrelevant, and incompetant.

Z. W. ARNOLD, being recalled upon the part of the plaintiff, testifies as follows:

Int. 41st. Did you give your written consent that the deeds (Exhibit No 16) be corrected by having your name inserted in the deed,
317 which was omitted by the sheriff?

(Objected to by defendants as incompetant, irrelevant, and immaterial, and that they can prove a written contract by parol, and that such agreement, whatever it is, is not binding upon defendants in this suit.)

Ans. 41st. I did.

Int. 42nd. Was he the only defendant in that execution who had anything to do with these lots in question in this suit?

(Objected to by defendant as being incompetant, irrelevant, and immaterial.)

Ans. 42nd. I was the only one of the defendants that had any interest in those lots.

Cross-examination by defendants:

Int. 43rd. You gave the trust deed mentioned, in and by virtue of which the deed of which Exhibit No. 17 is a copy, did you not?

Ans. 43rd. Yes; I gave that.

Int. 44th. Did you give it, acknowledge it, and deliver it at the same time?

Ans. 44th. I did, at the same time of the dates.

Z. W. ARNOLD.

DANIEL GRAY, a witness produced, sworn, and examined, testified as follows in behalf of the plaintiff:

Int. 1st. Has the plaintiff paid the taxes upon the lots in question since the redemption down to the present time?

(Objected to by defendants as being incompetant, irrelevant, & immaterial. Witness is not shown to be qualified to answer the question.)

318 Ans 1st. The taxes have all been paid since the redemption, and I have paid, or offered to pay them.

Int. 2nd. Have you a copy of the receipts for taxes, since the redemption to the present time?

(Objected to by defendants as being incompetant, irrelevant, & immaterial.)

Ans. 2nd. I have; and here are copies of them, which I offer in evidence, and are marked Exhibit No. 18.

(Objected for same reasons as last, and not the best or proper evidence of the payment of the taxes.)

Int. 3rd. Have you the original receipts from which these copies were made in your possession?

(Objected to as immaterial, irrelevant, and incompetant.)

Ans. 3rd. I have.

Int. 4th. Have you the original deeds of Daniel Gray to the plaintiff, also the deed of Sheriff Griswold to the plaintiff, Exhibits 16 & 17?

(Objected to for same reasons as last question.)

Ans. 4th. I have them; I have the original tax certificates of redemption; the original tax receipts, and all the original contracts, and papers, copies of which are attached to these depositions, ready to be produced when desired by the court.

Cross-examination by the defendants.

Int 3rd. You are the attorney of the plaintiff in this case, are you not?

Ans. 5th. Yes.

319 Int. 6th. You have in your possession, for her and as such attorney, all the original papers, copies of which have been introduced in the foregoing depositions, have you not?

Ans. 6th. I have not all of them, and I state it most emphatically.

Int. 7th. State all those of which you have not got the originals.

Ans. 7th. I have not the originals of the treasurer's deeds given to the defendants. I have not the original of the trust deeds given to Dakin, nor Mary A. Perry, nor Dwight Reed, nor the original deed given to Hannaford. I have all the papers given to plaintiff, & all given to Arnold.

Int. 8th. Did not the defendant, W. I. Hayes, for himself, and as attorney for the other defendants in this case, tender & offer to pay to you, as agent & attorney for the plaintiff, all taxes paid by her on the lots in question in this suit, at a date since she has paid any taxes on said lots?

Ans. 8th. Not that I am aware of; have no recollection of it.

Int. 9th. Were you present at the time the trust deed mentioned in & by virtue of which Exhibit 17 was made, executed, acknowledged, and delivered?

Ans. 9th. I have no recollection of it; presume I was; could not tell without referring to the original; I may have drawn it.

Int. 10th. Did you know that you drew it?

Ans. 10th. Could not tell without referring to it.

320 Int. 11th. Was it not written, signed, acknowledged, and delivered on the same day?

Ans. 11th. Could not say.

Int. 12th. Who sent that deed to the recorder's office for record, or who delivered to the recorder for record?

Ans. 12th. I have no recollection.

Int. 13th. In whose possession was said trust deed, from the time it was executed to the present time?

Ans. 13th. I presume that it was kept with Mrs. Gray's papers.

Int. 14th. How long was said trust deed kept after it was delivered & executed, before it was recorded?

Ans. 14th. Can't say.

Int. 15th. About how long was it so kept?

Ans. 15th. Can't say.

Int. 16th. Was it so kept five years?

Ans. 17th. Can't say.

Int. 17th. Was it so kept ten years?

Ans. 17th. The deed was foreclosed within some 2 or 3 years after executed, and the presumption is that it was recorded before foreclosed.

Int. 18th. How was it foreclosed?

Ans. 18th. By the legal advertisement, notices, and proof of sale, and I hereby offer it as evidence, and mark it Exhibit No. 19.

D. GRAY,
Plaintiff's Attorney.

It is admitted by plaintiff's & defendants' attorneys, that their have been no other redemptions from tax sales of said lots except as shown in the foregoing depositions, subject to all objections, to the
321 relevancy, materiality, and competancy of such testimony.

It is also admitted, by the attorney for the plaintiff, that Exhibit No. 20 was made by N. B. Howard, clerk of the district court of Clinton County, Iowa, and that his signature thereto is his, and therefor' the same is genuine.

JOSEPH D. FEGAN, being produced, sworn, and examined, testified as follows, in behalf of deponents:

Int. 1st. Where do you reside?

Ans. 1st. DeWitt, Iowa.

Int. 2d. What is your business, and how long have you been in the business?

Ans. 2nd. Two years & 8 months; recorderd of Clinton County, Iowa.

Int. 3rd. Are the certificates on Exhibits 21, 22, 23, & 24 made by you as recorder of said county?

Ans. 3rd. They were.

J. D. FEGAN.

Defendants offer Exhibits Nos. 21, 22, 23, & 24 in evidence, which is objected to by plaintiff, as immaterial, irrelevant, and incompetant.

W. I. HAYES, being produced as a witness, sworn, and examined, testifies as follows, in behalf of defendants:

Int. 1st. Are you one of the defendants, and the attorney for the defendants in this cause, & have you or have any of said defendants the original instrument of which Exhibit No. 24 is a copy?

Ans. 1st. No, sir.

322 Int. 2nd. Did you, for yourself and as attorney for the other defendants, offer to pay to Daniel Gray, attorney and agent for the plaintiff, all taxes paid by the plaintiff at any time expose the lots in question in this suit? If so, state the particulars.

Ans. 2nd. Some time, I think, last spring, I cannot give the exact date, in the presence of & in the office of C. W. Chase, in Clinton, Iowa, I tendered to & offered to pay to Dan'l Gray, attorney & agent of the plaintiff, all taxes she had ever paid on the lots in question in this suit, and he refused to receive it or any part of it.

(To the above questions & answer, plaintiffs object as being irrelevant, incompetant, and immaterial.)

Int. 3rd. Where did you first obtain knowledge of the agreements and understandings between Z. W. Arnold & Dwight Reed, Z. W. Arnold and W. G. Hannaford, and Z. W. Arnold and Mrs. May A. Perry, as testified to in the foregoing depositions on part of plaintiff by Z. W. Arnold.

(Objected to for same reason as last.)

Ans. 3rd. The first knowledge I ever had of them was to-day, when introduced as testimony in this case.

WALTER I. HAYES.

It is admitted that the defendant W'm F. Coan will swear to the same facts as the witness Walter I. Hayes and that the case is to be
323 considered the same as if the testimony was in said case, excepting constructive notice of record.

STATE OF IOWA, *Clinton County :*

I, K. W. Wheeler, notary public in and for said county, do hereby certify that, in pursuance of the annexed notices, I caused to come before me, at my office, at De Witt, in said county, on the 19th day of August, 1869, between the hours of 1 o'clock p. m. & 10 o'clock p. m., W'm Familton, N. B. Howard, Z. W. Arnold, Daniel Gray, J. D. Fegan, and W. I. Hayes, who were there & then by me duly sworn and examined & their examination reduced to writing, and after being by me read over to said witnesses, the same were subscribed & sworn to by them, respectively, in my presence, and their said depositions are now herewith returned, together with all exhibits marked and referred to in said depositions, are her'to attached. I further certify that Daniel Gray, esq., was present and conducted said examination for plaintiff, and Walter I. Hayes, esq., was present and cross-examined said witnesses on behalf of defendants.

Given under my hand & notarial seal this 19th day of Aug., A. D. 1869.

[NOTARIAL SEAL.] K. W. WHEELER,
Notary Public and Commissioner aforesaid.

324 "A."—*Copy certificates of redemption.*

OFFICE OF THE CLERK OF THE BOARD OF SUPERVISORS,
De Witt, Iowa, Sept. 29th, 1864.

This is to certify that Eunice N. Gray has this day redeemed the real property hereinafter described, by payment of one $\frac{42}{100}$ dollars, as below specified, said property having been sold by the treasurer of said county for the tax of A. D. 1858 & 1859, on the 7th day of Oct., A. D. 1861 :

Lots 21 & 22, in block 4, in Arnold & Young's addition to Clinton City.

Amount sold for	68
Certificate of sale	25
Thirty per cent	20
Int. @ 10 per cent	24
Stamp	05
	$1 42

Witness my hand & the seal of the board of supervisors of Clinton County, Iowa, by me affixed.

[SEAL.] W'M FAMILTON, *Clerk.*

[Stamp.]

Countersigned Sept. 29th, 1864.

H. ANTHONY, *Treas.*

"B."

OFFICE OF THE CLERK OF THE BOARD OF SUPERVISORS,
De Witt, Iowa, Sept. 29th, 1864.

This is to certify that Eunice N. Gray has this day redeemed the real property hereinafter described by payment of seven $\frac{82}{100}$ dollars, as below specified, said property having been sold by the treasurer of said county for the tax of A. D. 1862, on the 2nd day of Nov., A. D. 1863 :

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, & 24, in block 6, Arnold & Young's addition to Clinton.

Amount sold for	5 28
Certificate of sale	25
Thirty per cent	1 58
Int. @ 10 per cent	66
Stamp	05
	$7 82

325 Witness my hand and seal of the board of supervisors for Clinton County, Iowa, by me affixed.

W'M FAMILTON, *Clerk.*

[U. S. rev. stamp, 5 cents.]

Countersigned Sept. 29th, 1864.

H. ANTHONY, *Treas.*

"B."

OFFICE OF THE CLERK OF THE BOARD OF SUPERVISORS,
De Witt, Iowa, Sept. 29th, 1864.

This is to certify that Eunice N. Gray has this day redeemed the real property hereinafter described, by payment of two $\frac{29}{100}$ dollars, as below specified, said property having been sold by the treasurer of said county for the tax of A. D. 1862, on the 2nd day of Nov., A. D. 1863:

Lots 2, 16, 21, & 22, in block 5, Arnold & Young's addition to Clinton.

Amount sold for	1 41
Certificate of sale	25
Thirty per cent	42
Int. @ 10 per cent	16
Stamp	05
	$2 29

Witness my hand & the seal of the board of supervisors of Clinton County, Iowa, by me affixed.

W'M FAMILTON, *Clerk.*

[5-ct. stamp.]

Countersigned Sept. 29th, 1864.

H. ANTHONY, *Treas.*

"C."

OFFICE OF THE CLERK OF THE BOARD OF SUPERVISORS,
De Witt, Iowa, Sept. 29th, 1864.

This is to certify that Eunice N. Gray has this day redeemed the real property hereinafter described, by payment of two $\frac{97}{100}$ dollars, as below specified, said property having been sold by the treasurer of said county for the tax of A. D. 1862, on the 2nd day of Nov., A. D. 1863:

326 Lots 3, 4, 5, 6, 7, & 8, in block 4, Arnold & Young's addition to Clinton City.

Amount sold for	1 29
Certificate of sale	25
Thirty per cent	37
Interest @ 10 per cent	16
Stamp	05
	$2 07

Witness my hand & the seal of the board of supervisors for Clinton County, Iowa, by me affixed.

W'M FAMILTON, *Clerk.*

[Stamp.]

Countersigned Sept. 29, '64.

H. ANTHONY, *Treas.*

"D."

OFFICE OF THE CLERK OF THE BOARD OF SUPERVISORS,
De Witt, Iowa, Sept. 29th, 1864.

This is to certify that Eunice N. Gray has this day redeemed the real property hereinafter described, by payment of sixty four cents, as below specified, said property having been sold by the treasurer of said county for the tax of A. D. 1862, on the 2nd day of Nov., A. D. 1863:

Lot. 16, in block 7, in Arnold & Young's addition to South Clinton, Clinton County, Iowa.

Amount sold for	24
Certificate of sale	25
Thirty per cent	07
Interest @ 10 per cent	03
Stamp	05
	64

Witness my hand and the seal of the board of supervisors of Clinton County, Iowa, by me affixed.

W'M FAMILTON, *Clerk.*

[Stamp.]

Countersigned Sept. 29th, 1864.

H. ANTHONY, *Treas.*

"E."

OFFICE OF THE CLERK OF THE BOARD OF SUPERVISORS,
De Witt, Iowa, Sept. 25th, 1865.

327 This is to certify that Eunice N. Gray has this day redeemed the real property hereinafter described, by payment of four $\frac{44}{100}$ dollars, as below specified, said property having been sold by the treasurer of said county for the tax of A. D. 1863, on the 3rd day of Oct., A. D. 1864, for tax paid for 1864, & tax '64:

Lots 1, 2, 16, 21, & 22, in block 5, in Arnold & Young's addition to South Clinton.

Amount sold for	2 48
Certificate of sale	55
Certificate of red	30
Thirty per cent	82
Int. *a* 10 per cent	29
	$4 44

Witness my hand & the seal of the board of supervisors of Clinton County, Iowa, by me affixed.

W'M FAMILTON, *Clerk.*

[Stamp.]

Countersigned Sept. 25th, 1864.

H. ANTHONY, *Treas.*

"F."

OFFICE OF THE CLERK OF THE BOARD OF SUPERVISORS,
De Witt, Iowa, Sept. 25th, 1865.

This is to certify that Eunice N. Gray has this day redeemed the real property hereinafter described, by payment of two $\frac{10}{100}$ dollars as below specified; said property having been sold, by the treasurer of said county, for the tax of A. D. 1860, on the 3rd day of Oct., A. D. 1864:

Lots 21 & 22, in block 4, in Arnold & Young's addition to South Clinton.

Amount sol' for	88
Certificate of sale	55
Certificate of red'	30
Thirty per cent	26
Int. @ 10 per cent	11
	$2 10

[Stamp.]

Witness my hand & the seal of the board of supervisors of Clinton County, by me affixed.

W'M FAMILTON, *Clerk.*

Countersigned Sept. 25th, 1865.

H. ANTHONY, *Treas.*

328 "H."

OFFICE OF THE CLERK OF THE BOARD OF SUPERVISORS,
De Witt, Iowa, Sept. 29th, 1864.

This is to certify that Eunice N. Gray has this day redeemed the real property hereinafter described by payment of two $\frac{33}{100}$ dollars as below specified, said property having been sold by the treasurer of said county for the tax of A. D. 1862, on the 2d day of Nov., 1863.

Lots 25, 26, 27, 28, 29, & 30, in block 4, Arnold & Young's addition to Clinton.

Amount sol' for	1 43
Certificate of sale	25
Thirty per cent	44
Int. @ 10 per cent	16
Stamp	05
	$2 33

Witness my hand & the seal of the board of supervisors of Clinton County, Iowa, by me affixed.

W'M FAMILTON, *Clerk.*

[Stamp.]

Countersigned Sept. 29th, 1864.

H. ANTHONY, *Treas.*

No. 107.] "G."—*Certificate of redemption.*

DE WITT, IOWA, *March 15th*, 1869.

This is to certify that Eunice N. Gray has this day redeemed the real

property hereinafter described by payment of two $\frac{77}{100}$ dollars as below specified, said property having been sold by the treasurer of Clinton County, Iowa, for the tax of A. D. 1865, on the 1st day of Oct. A. D. 1866, and subsequent taxes having been paid as specified below. Record, page 55, No. 3.

Lots 1 & 2, in block 5, Arnold & Young's addition to South Clinton.

Amount sold for taxes of 1865		71
	Thirty per cent	21
329	Int. @ 10 per cent	26
	Taxas of 1867	90
Thirty per cent		27
Int. @ 10 per cent		12
Redemption certificate		25
U. S. rev. stamp		05
		$2 77

[Stamp.]

Witness my hand & the seal of the board of supervisors of Clinton County, Iowa, by me affixed.

K. W. WHEELER,
County Judge & ex-officio County Auditor.

Countersigned March 15, 1869.

R. WILLIAMS, *Treas.*

No. 108.]

Certificate of redemption.

DE WITT, IOWA, *March 15th* 1869.

This is to certify that Eunice N. Gray has this day redeemed the real property hereinafter described, by payment of two $\frac{27}{100}$ dollars as below specified, said property having been sold by the treasurer of Clinton County, Iowa, for the tax of A. D. 1867, on the 5th day of Oct., A. D. 1868, and subsequent taxes having been paid as specified below. Record, page 110, No. 3.

Lot 1, block 5, Arnold & Young's addition to Clinton.

Amount sold for taxes of 1867	1 45
Thirty per cent	43
Int. @ 10 per cent	09
Redemption certificate	25
U. S. revenue stamp	05
	$2 27

[Stamp.]

Witness my hand and the seal of the board of supervisors of Clinton County, Iowa, by me affixed.

K. W. WHEELER,
County Judge & ex-officio County Auditor.

Countersigned March 15th, 1869.

R. WILLIAMS, *Treas.*

330 "I."

Green, Weare, Dakin & Co., banking-house, Clinton, Iowa.

BANKING-HOUSE OF GREEN, WEARE, DAKIN & CO.,
Clinton City, Iowa, Mar. 1st, 1858.

Six months after date I promise to pay W. G. Hannaford or order, at their banking-house in Clinton City, Iowa, five hundred dollars ($500 00) for value received, with (as pencilty for the default) ten per cent. per month after due, till paid, payable monthly, in advance; and we also agree that the holder hereof may enforce, delay, or extend the payment of this note, without effecting our liabilities hereon.

$500 00.] Z. W. ARNOLD.

(Endorsed as follows:) 500, Sept. 4, '58. Filed Sept. 14th, 1860. S. Wheeler, clerk.

$100 00.] "J."

Four months from date, for value received, I promise to pay Mary A. Perry or order one hundred dollars, ($100 00,) with interest at the rate of ten per cent. per annum.

Z. W. ARNOLD.

CLINTON, *Dec. 1st*, 1858.

Endorsed as follows:
Received on the within note the interest in full up to 1st of August, 1859.

MARY A. PERRY.

CLINTON, *July 27th*, 1859.

Received on the within note the interest in full up to 1st of April, 1860.

MARY A. PERRY.

JAN. 3RD, 1860.

Received the interest in full, upon the within note, up to July 1st, 1860.

MARY A. PERRY.

331 Received the interest in full upon the within up to the first of Jan., 1861.

EXHIBIT No. 1.

STATE OF IOWA, *Clinton County, ss:*

Be it remembered that heretofore, to wit, on the 10th day of April, A. D. 1861, there was issued out of the office of the clerk of the district court of the State of Iowa, in & for said county, an execution in the words & figures following, to wit:

STATE OF IOWA, *Clinton County, ss:*

The State of Iowa to the sheriff of said county, greeting:

Whereas judgment was rendered on the 10th day of June, A. D. 1859, at the court-house in De Witt, in said county, in an action in the district court of said county, wherein Eunice N. Gray is plaintiff and Abel

Chandler, Z. W. Arnold, Jacob Iliff, and James Green, are defendants, and in favor of the said plaintiff and against the said defendants, for the sum of $275 49 *dollars* damages, & $8 75 *dollars* costs, as appears to us of record:

Therefor', these are to command you, as you have heretofore been commanded, that, of the goods, chattles, lands, & tenements (which are not exempt by law from execution) of the said Abel Chandler, Z. W. Arnold, Jacob Iliff, & James Green, you cause to be made, in conformity with the statute in such case made & provided, the
332 sum of two hundred eighty-four and $\frac{24}{100}$ ($284 24) dollars, with interest thereon at the rate of 10 per cent. per annum from the 10th day of June, A. D. 1859, besides accruing costs, and return you this writ to the clerk of said court of said county within seventy days from the date hereof, with your acts & doings in the premises hereon endorsed or annexed.

Witness: Loring Wheeler, clerk of the district court of Clinton County, and the seal of said court hereunto affixed at his office, in De Witt, in said county, this 10th day of April, A. D. 1861.

[SEAL.] LORING WHEELER, *Clerk*,
By K. W. WHEELER,
Deputy Clerk.

And on the 16th day of May, A. D. 1861, said execution was returned to the office of the said clerk with the return of the sheriff of said county thereupon endorsed and thereto attached, which said return is in words & figures following, to wit:

STATE OF IOWA, *Clinton County, ss*:

By virtue of the within writ of execution, I have, this 15th day of April, A. D. 1861, levied upon the following-described real estate as the property of the within-named defendants Z. W. Arnold: Lots No. 2, 6, 7, 8, 11, 12, 16, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, & 30, in block No. 4; also lots Nos. 1, 2, 16, 21, & 22, 25, & 26, in block No. 5;
333 also lots Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, & 24, in block No. 6. All of said lots are situated in Arnold & Young's addition to South Clinton, Clinton County, Iowa, according to a map or plat of said Arnold & Young's addition, which is recorded in recorder's office of said county of Clinton, and advertised said real estate for sale at public auction at the post-office door in Clinton City, in said county and State, on the 16th day of May, A. D. 1861, at 10 o'clock a. m. of said day, to the highest bidder, for cash.

CHA'S H. TOLL, *Sheriff.*

STATE OF IOWA, *Clinton County, ss*:

On the 16th day of May, A. D. 1861, at 11 o'clock a. m. of said day, at the post-office door, in Clinton City, in said county, I sold at public auction the real estate levied on, under the execution hereto attached, and therein described as follows, to wit: Lots 10, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, & 24, in block 6, in Arnold & Young's addition to South Clinton, Clinton County, Iowa, to Eunice N. Gray, for the sum of six dollars for each lot, making in all $78 00; also lots 2, 6, 7, 8, 21, 22, 25, 26, 27, 28, 29, & 30, in block 4, in the above-mentioned Arnold & Young's addition to Clinton, to Eunice N. Gray, for the sum of five dollars for each lot, making in all sixty dollars, ($60 00;) also, lots 1, 2, 16, 21, 22, 25, & 26, in block 5, in the above-mentioned Arnold &
334 Young's addition to Clinton, to Eunice N. Gray, for the sum of

$6 00 each, or, in all, $42 00 *dollars*; also, lots 1, 2, 3, 4, 5, 6, 7, 8, & 9, in block 6, in the above-mentioned Arnold & Young's addition to said Clinton, to Eunice N. Gray, for the sum of $6 00 for each lot, making in all $54 00 *dollars*. The said sums bid, as heretofore mentioned, on each & every lot, being the highest bid therefor. The whole amount money made by the above-described sale on this execution attached is two hundred & thirty-four dollars, ($234 00.) I have executed a certificate to said purchaser according to law.

CHA'S H. TOLL,
Sheriff of said County.

STATE OF IOWA, *Clinton County, ss:*

I, Noel B. Howard, clerk of the district court of the State of Iowa, in & for said county, certify that the above is a true & complete transcript of the execution and sheriff's returns thereon endorsed and thereto attached in the case entitled Eunice N. Gray vs. Abel Chandler, Z. W. Arnold, Jacob Iliff, & James Green.

SEAL OF DIST. COURT, CLINTON CO., IOWA.

In witness whereof I have hereto set my hand & affixed the seal of said court this 19th day of August, A. D. 1869.

NOEL B. HOWARD, *Clerk.*

[5-c't rev. stamp.]

Clerk's fees, $1 55.

335 EXHIBIT No. 2.

This indenture, made the 1st day of Dec., A. D., 1858, between Z. W. Arnold, of Clinton, of the first part, and Mary A. Perry, of Clinton City, Iowa, of the second part, witnesseth:

That the said party of the first part, for the consideration of the sum of one hundred dollars, ($100 00,) the receipt whereof is hereby acknowledged, does by presents grant, bargain, sell, & convey unto the said party of the second part, her heirs or assigns, the following described tract of real estate lying & being situated in the county of Clinton & State of Iowa, to wit: Lots No. 6, 7, 8, in block 4, in Arnold & Young's addition to South Clinton, the same being platted and recorded in the recorder's office of Clinton County: To have and to hold said premises above described unto the said second party forever. And the said party of the first part hereby covenants that said premises are free from any incumbrances, & that he has full right, power, & authority to convey the same.

In trust, however, for the following uses and purposes, and no other, to wit:

The said Z. W. Arnold, having this day executed unto Mary A. Perry a promissory note for the sum of one hundred dollars, ($100 00,) payable on the first day of April, 1859, dollars, payable on the day of 18 , and one for dollars payable on the
336 day of 18 , with interest at the rate of per cent. per annum. Now the better to secure the payment of said note, according to the tenor and effect thereof, the said party of the first part hereby conveys the premises aforesaid to the said Mary A. Perry, in trust for the security of said payment; and in case the said Z. W. Arnold shall fail or refuse to pay said note when due, then and in that case the said Mary A. Perry, as trustee, shall be authorized to advertise said property in some newspaper printed in the county of Clinton as

aforesaid, at least 20 days, and sell the same at public auction, at the city of Clinton, to the highest bidder, for cash, in parcels & tracts of such size as the said Mary A. Perry shall deem most advantageous for the said party of the first part, or so much thereof as shall be necessary to satisfy the amount then due, with costs and expences of making such sale, and account for and pay over the balance of the proceeds, (if any there be,) to the party of the first part, his heirs, assigns or representatives on demand; and she, the said Mary A. Perry, will be fully authorized & empowered to execute a deed in fee-simple for the premises aforesaid, or so much thereof as she may sell, to the purchaser thereof, which deed will be absolute, and prevent the said party of the first part, his heirs or assigns, from ever setting up any claim thereto, either
337 in law or equity. The said party of the first part further stipulate, direct, & agree that, in the case of the death, incapacity, or refusal of the said Mary A. Perry to act, then and in that case, the acting judge of the county court of Clinton County is hereby authorized and requested to appoint a suitable person to act as trustee, and any person so appointed shall be clothed with all the power & authority to act that is herein given to the said Mary A. Perry.

In testimony whereof the said party of the first part has hereunto set his hand & seal the date first above written.

Z. W. ARNOLD. [L. S.]

STATE OF IOWA, *Clinton County, ss:*

Be it remembered, that, on the first day of Dec., A. D. 1858, before the undersigned, Samuel Crozer, a notary public in & for said county, personally appeared Z. W. Arnold, to me personally known to be the identical person whose name is affixed to the foregoing deed as grantor and acknowledged the instrument to be his voluntary act & deed. And the said *Perry* acknowledged that she executed the same without fear or compulsion, & for the express purpose of relinquishing her right of dower in the premises herein conveyed.

Witness my hand and notarial seal the day and year above
338 written.

[SEAL.] SAMUEL CROZER.
Notary Public.

[Stamp.]

STATE OF IOWA, *Clinton County, ss:*

I, J. D. Fegan, recorder in and for the county & State, do hereby certify that the foregoing is true, correct, and complete copy of the record of said deed, as is found in book "G" of mortgages on page 557, Clinton County record.

Witness my hand, affixed this 3rd day of August, A. D. 1869.

J. D. FEGAN, *Recorder.*

EXHIBIT NO. 3.

Know all men by these presents, that I, Francis Wier, in consideration of twenty-one hundred dollars, ($2,100, 00,) to me paid by Zera W. Arnold, the receipt whereof is hereby acknowledged, do by these presents sell, & convey unto the said Zera W. Arnold, the following-described tracts of land to wit: The northeast quarter of the southwest quarter of section twelve, in township 81 north, of range 6 east of the 5th principal meridian, containing 40 acres of land, more or less; and also a part of the northwest quarter of the southeast quarter of

section 12, in said township, and described as follows, commencing 13 rods north of the southwest corner post; thence running north to the centre of said section 12, thence east 59 rods & 16 links, thence south 43 rods, & 12½ links, and thence west bearing south to the place
339 of beginning; containing 20 and $\frac{63}{100}$ acres more or less; and also all of lots No. 1 & 2 in section 18, in said township north, of range 7 east of the 5th principal meridian, excepting 40 acres of land on the north which I have deeded to Augustus L. Ankeney, and also excepting out of said lots 20 and $\frac{63}{100}$ acres conveyed to James Ashworth, leaving about 40 acres and $\frac{10}{100}$ more or less, being the same premises described in a bond for a deed given by the said Weir to said Arnold, bearing date July 28th, A. D. 1855: To have and to hold the above-described premises to the said Arnold & his heirs and assigns, to his & their use & behoof, forever. And I do covenant with the said Arnold, & his heirs & assigns, that the premises are free of all incumbrances, and that I will, & my heirs, executors, and administrators shall, warrant and defend the above-granted premises against the lawful claims & demands of all persons. In witness whereof I have hereunto set my hand & seal this 14th day of June, A. D. 1856.

FRANCIS WIER.

In presence of—
J. BALWIN.

Be it remembered that on the 14th day of June, A. D. 1856, before me, a notary public in & for the county of Clinton, & State of Iowa, personally appeared Francis Wier, to me known to be the identical person whose name is affixed to the foregoing instrument, and
340 acknowledged the foregoing instrument to be his free act and deed. In witness whereof I have hereunto set my hand and affixed my notarial seal.

ISAAC BALWIN,
Notary Public.

STATE OF IOWA, *Clinton County, ss:*

I, J. D. Fegan, recorder in and for the county & State aforesaid, do hereby certify that the foregoing is a true, full, and complete copy of the deed herein set out, as the same appear on the records of said county, in book "K" of deeds, pages 95 & 96.

Witness my hand officially this 19th day of August, A. D. 1869.

J. D. FEGAN,
Recorder in and for Clinton Co., Iowa.

[U. S. rev. stamp, 5 cents.]

The foregoing was filed for record June 23rd, at 3 o'clock p. m., and recorded in book "K" of deeds, pages 95 & 96.

T. F. BUTTERFIELD,
Recorder.

EXHIBIT No. 4.

Know all by these presents that Z. W. Arnold, of Clinton County, & State of Iowa, in consideration of the sum of three thousand dollars, ($3,000 00,) in hand, paid by Dwight Reed, of Homesdale, Wayne Co., & State of Pennsylvania, do hereby grant, bargain, sell, and convey unto the said Dwight Reed, the following described premises situated in

the county of Clinton, and State of Iowa, to wit: Lots number
341 25, 26, 27, 28, 29, & 30, in block 4; lots number 1, 2, 5, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, & 24 in block 6; and lots 20, 21, 22, 23, & 24 in block 7, and 300 feet, more or less, on the south side of Ninth avenue, lying between lands owned by Dart & Manning, and lands owned by Long & Black, in block 3; all of the above-described lands lying & being in Arnold & Young's addition to South Clinton, in Clinton County, & State of Iowa, the same as laid down and platted upon a plat of said addition, & recorded in the recorder's office of Clinton County, Iowa, with all and singular the appurtenances. And I do hereby covenant with the said Dwight Reed, that I am lawfully seized of said premises; that they are free from all incumbrances; that I have good right and lawful authority to sell the same; and I do hereby covenant to warrant and defend said premises against the lawful claims of all persons whomsoever, against my own acts; and the said S. T. Arnold, wife of the said Z. W. Arnold, hereby relinquishes all her right & claim of dower in said premises.

In witness whereof, we have hereunto set our hands & seals this 17th day of Mar., A. D. 1859.

Z. W. ARNOLD. [SEAL.]
S. T. ARNOLD. [SEAL.]

Signed & executed in presence of—

STATE OF IOWA, *Clinton County, ss:*

342 I do hereby certify that before me, a notary public in & for said county, personally appeared the above named Z. W. Arnold & S. T. Arnold, who are personally known to me to be the identical persons who' names are affixed to the above conveyance as grantor, and acknowledged the execution of the same to their voluntary act & deed for the purposes therein mentioned.

Given under my hand & notarial seal, this 11th day of April, 1859.

[SEAL.] SAMUEL CROZER,
Notary Public.

STATE OF IOWA, *Clinton, County, ss:*

I, J. D. Fegan, recorder in and for said county & State, do hereby certify that the foregoing is a true, correct, & complete copy of a deed recorded in book "B" of town lots, page 597, of Clinton County, Iowa.

Witness my hand, done officially at De Witt, June 19th, 1868.

J. D. FEGAN,
Recorder of Clinton County, Iowa.

[Stamp.]

EXHIBIT No. 5.

Articles of agreement made & concluded this 17th day of Mar., D. 1859, between Dwight Reed, of Homesdale, Wayne County, Penn and Z. W. Arnold, of Clinton, Clinton County, Iowa, witnesseth:

That said Reed did, on the 20th day of July, A. D. 1855, furnish said Arnold the sum of ($900 00) to be invested in real estat
343 the States of Illinois & Iowa, which was to draw interest at 7 cent. per annum, which now amounts to $1,131 00, said su $1,131 00 is to be reimbursed to said Reed, and all proceeds abo and interest arising from said investment to be equally d said Reed and Arnold, their heirs, executors, or assigns

whereas, such investments stand at this time as follows—In the name of said Arnold, the following described property, to wit: Section No. 15, in township No. 19 north, range 8 east of the 4th principal meridian, in Lee County, Illinois, upon which there is a trust-deed for the sum of ($1,881$\frac{26}{100}$) dollars; the north half of the southwest quarter of section No. 10, in township 21 north, range 3 east of the fourth principal meridian, in Whiteside County, Illinois; in Arnold & Young's addition to South Clinton, in Iowa, 300 feet, more or less, in block 3 on the south side of 9th avenue; in block 4, lots 3, 4, 5, 6, 7, 8, 25, 26, 27, 28, 29, & 30; in block 6, lots 1, 2, 3, 5, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, & 24; also in block 7, lots 20, 21, 22, 23, & 24; also the following obligations in his hands: Henry Dart's 2 notes of $500 00 each, drawing 10 per cent. interest from June 18th, 1856; Louisa Sisterman's one note for $316 00, drawing interest at 10 per cent. from Mar. 2nd, 1857, and Ann Hernsley's 2 notes for $158 00 each, drawing in-
344 terest at 10 per cent. from April 3rd, 1857—In the name of said Reed, lots No. 1 & 2 in block 20, & lot 49 in block 4, in the original plat of the city of Clinton, Iowa.

It is agreed by and between the two parties that the said Arnold shall convey to the said Reed titles to the real estate herein mentioned which is now in his name, excepting lots 3, in block 6, and lots 3, 4, 5, 6, 7, 8, in block 4, as security to said Reed for his investment of $1,131 00 and interest, and obligations now in the hands of said Arnold. And further, said Reed agrees to give the said Arnold a power of attorney, general & specific, sufficient to enable him to convey said real estate in the nar of said Reed, & transact all other business pertaining thereto as h agent & attorney.

And it is further agreed that the said Arnold shall invest any funds growing out of said investments in real estate in the name of said Reed, according to his own direction, in the Western States.

And it is further agreed by & between the said parties, that when either party wishes to terminate this agreement he shall give to the other reasonable notice in writing, and at such termination said Reed, his heirs, executors, or assigns shall first receive the investment of $1,131 00 and the interest thereon at 7 per cent. per annum from
345 this date; and the balance of the above-described investment and their proceeds, whatever may remain, shall be equally divided between the said parties, their heirs, executors, or assigns, and titles made according to such division.

Given under our hands this 17th day of March, A. D. 1859.

DWIGHT REED.
Z. W. ARNOLD.

EXHIBIT No. 6.

(Here follows plat, marked page 345.)

STATE OF IOWA, *Clinton County, ss:*

Be it remembered, that on this 15th day of Sept., A. D. 1856, ore me, the undersigned Robert H. Nolton, notary public in and for county, personally appeared Z. W. Arnold, Alfred Cobb, Andrew armelee, and Joseph C. Young, who are by me personally known St the identical persons who laid out the within tract of land as ($3 scribed and platted, and who are now the owners of said land & Stated plat, and have the legal and eqnitable title to the same, unto thowledged before me the undersigned notary public, that the

deposition of the same, as designated by said plat, is with their free consents and in accordance with their wishes.

In witness whereof I have hereunto set my hand and affixed my notarial seal the day & year last above written.

[SEAL.] ROBERT H. NOLTON,
Notary Public.

STATE OF IOWA, *Clinton County, ss:*

I, Daniel McNeil, county judge in & for said county, being satisfied that the requirements of the law have been fully complied with, do order that the foregoing plat & certificates be recorded.

In witness whereof I hereunto set my hand & affix the seal of the county court of Clinton Co., at De Witt, this 17th day of April, A. D. 1857.

347 [SEAL.] (Signed) DANIEL McNEIL,
County Judge.

STATE OF IOWA, *Clinton County, ss:*

I, J. D. Fegan, recorder of said county, do hereby certify that the foregoing is a true copy of the endorsement on a plat, a true copy of which is hereto attached, recorded in book "N" of deeds, pages 1 & 2, Clinton County record.

Witness my hand, done at office in De Witt, this 19th day of Aug., A. D. 1869.

J. D. FEGAN,
Recorder of Clinton County, Iowa.

[Stamp.]

EXHIBIT No. 7.

Know all men by these presents, that we, Zara W. Arnold and Laura T., his wife, of the city of Clinton, and State of Iowa, in consideration of $500 00 paid by G. W. B. Dakin, of the same place, do hereby sell and convey unto the said Dakin the following-described premises, to wit: Lots 9, 10, 13, 14, 17, 18, 21, & 22, in block 4, and lots 5 & 6, in block 5, of Arnold & Young's addition to South Clinton, as the same is laid down on a plat of such said addition, on file in the office of recorder of Clinton County, State of Iowa, and we do hereby covenant to warrant & defend said premises against the lawful claims of all persons whomsoever.

In witness whereof we have set our hands this 27th day of June, A. D. 1857.

Z. W. ARNOLD.
LAURA T. ARNOLD.

348 STATE OF IOWA, *Clinton County, ss:*

Before me, the undersigned, a notary public in & for said county, came the within-named Zera W. Arnold & Laura T. Arnold and acknowledged their signature' to be their voluntary act & deed for the purposes therein mentioned.

Given under my hand & notarial seal, at Clinton, this 27th day of June, A. D. 1857.

SAMUEL CROZER,
Justice of the Peace.

deposition of the same, as designated by said plat, is with their free consents and in accordance with their wishes.

In witness whereof I have hereunto set my hand and affixed my notarial seal the day & year last above written.

[SEAL.] ROBERT H. NOLTON,
Notary Public.

STATE OF IOWA, *Clinton County, ss:*

I, Daniel McNeil, county judge in & for said county, being satisfied that the requirements of the law have been fully complied with, do order that the foregoing plat & certificates be recorded.

In witness whereof I hereunto set my hand & affix the seal of the county court of Clinton Co., at De Witt, this 17th day of April, A. D. 1857.

347 [SEAL.] (Signed) DANIEL McNEIL,
County Judge.

STATE OF IOWA, *Clinton County, ss:*

I, J. D. Fegan, recorder of said county, do hereby certify that the foregoing is a true copy of the endorsement on a plat, a true copy of which is hereto attached, recorded in book "N" of deeds, pages 1 & 2, Clinton County record.

Witness my hand, done at office in De Witt, this 19th day of Aug., A. D. 1869.

J. D. FEGAN,
Recorder of Clinton County, Iowa.

[Stamp.]

EXHIBIT No. 7.

Know all men by these presents, that we, Zara W. Arnold and Laura T., his wife, of the city of Clinton, and State of Iowa, in consideration of $500 00 paid by G. W. B. Dakin, of the same place, do hereby sell and convey unto the said Dakin the following-described premises, to wit: Lots 9, 10, 13, 14, 17, 18, 21, & 22, in block 4, and lots 5 & 6, in block 5, of Arnold & Young's addition to South Clinton, as the same is laid down on a plat of such said addition, on file in the office of recorder of Clinton County, State of Iowa, and we do hereby covenant to warrant & defend said premises against the lawful claims of all persons whomsoever.

In witness whereof we have set our hands this 27th day of June, A. D. 1857.

Z. W. ARNOLD.
LAURA T. ARNOLD.

348 STATE OF IOWA, *Clinton County, ss:*

Before me, the undersigned, a notary public in & for said county, came the within-named Zera W. Arnold & Laura T. Arnold and acknowledged their signature' to be their voluntary act & deed for the purposes therein mentioned.

Given under my hand & notarial seal, at Clinton, this 27th day of June, A. D. 1857.

SAMUEL CROZER,
Justice of the Peace.

STATE OF IOWA, *Clinton County, ss:*

I, J. D. Fegan, recorder of said county, do hereby certify that the foregoing is a true copy of a deed recorded in book "O" of deeds, pages 135 & 136, Clinton County records.

Witness my hand, done at office in De Witt, this 18th day of August, A. D. 1869.

J. D. FEGAN,
Recorder.

[Stamp.]

CLINTON CITY, *Oct. 2nd*, 1857.

Sixty days after date I promise to pay W. G. Hannaford, or order, at the banking-house in Clinton City, Iowa, $500 00, for value received, with, as a penalty for the default, 3 per cent. per month after due till paid, payable monthly, in advance, & we also agree that the holder thereof may enforce, delay, or extend the payment of this note without affecting our liability hereon.

$500 00.] Z. W. ARNOLD.

349 EXHIBIT No. 8.

Know all men by these presents that I, W. G. Hannaford, of Boston, Massachusetts, am held and firmly bound unto Z. W. Arnold, of Clinton, Iowa, to make a good and sufficient warranty-deed to lots numbered 9, 10, 13, 14, 17, 18, 21, & 22, in block 4, and lots 5 & 6, in block 5, of Arnold & Young's addition to South Clinton, as the same is laid down on a plat of said addition on file in the office of the recorder of Clinton County, State of Iowa, conditioned that the said Arnold shall well & truly pay or cause to be paid a certain promissory note of $500 00, bearing even date with this instrument, said lots having been this day deeded to said Hannaford by G. W. B. Dakin and Ann M. Dakin for the security of said note.

In witness whereof I have hereunto set my hand this 2nd day of Oct., A. D. 1857.

W. G. HANNAFORD.

STATE OF IOWA, *Clinton County, ss:*

Before me, the undersigned, a notary public in and for said county, personally appeared the above-named W. G. Hannaford to me personally known to be the identical person whose name is subscribed to the foregoing bond, and acknowledged the same to be his voluntary act & deed for the purposes therein set forth.

Given under my hand & notarial seal this 2nd day of Oct., A. D. 1857.

F. B. HORTON,
Notary Public.

350 Know all men by these presents that I, W. G. Hannaford, of Boston, Massachusetts, am held and firmly bound unto Z. W. Arnold, of Clinton, Iowa, to make a good & sufficient warranty-deed to lots number 9, 10, 13, 14, 17, 18, 21, & 22, in block No. 4, and lots No. 1, 2, 5, & 6, in block 5, of Arnold & Young's addition to South Clinton, as the same is laid down on a plat of said addition on file in the office of the recorder in Clinton County, & State of Iowa, conditioned that the said Arnold shall well & truly pay or cause to be paid a certain promissory note of $500 00, given by him to said Hannaford, dated Mar. 1st, 1858, and payable six months from date, all of the above-mentioned lots, ex-

cepting 1 & 2, in block 5, having been deeded to said Hannaford by G. W. B. Dakin and Ann M. Dakin, on the 2nd day of Oct., A. D. 1857, for the security of $500 00, for which said note of five hundred dollars, dated 1st of March, 1858, is a renewal of said loan, and lots 1 & 2, in block 5, deeded by Z. W. Arnold & S. T. Arnold to said Hannaford, Feb. 26th, 1858, is for further security for the payment of said note.

In witness whereof I have hereunto set my hand this 27th day of Feb., A. D. 1858.

W. G. HANNAFORD.

STATE OF IOWA, *Clinton County, ss:*

Before me, the undersigned, a notary public in & for said
351 county, personally appeared W. G. Hannaford, to me personally known to be the identical person whose name is subscribed to the foregoing bond, and acknowledged the same to be his voluntary act & deed for the purposes therein set forth.

Given under my hand and notarial seal the day & year last above written.

SAMUEL CROZER,
Notary Public.

EXHIBIT No. 9.

This indenture, made the first day of Dec., A. D. 1858, between Z.W. Arnold, of Clinton, of the first part, and Mary A. Perry, of Clinton City, Iowa, of the second part, witnesseth:

That the said party of the first part, for the consideration of the sum of $100 00, the receipt whereof is hereby acknowledged, does by presents grant, bargain, sell, & convey unto the said party of the second part, her heirs or assigns, the following-described tract of real estate, lying & being situated in the county of Clinton, & State of Iowa, to wit: Lots No. 6, 7, & 8, in block No. 4, in Arnold & Young's addition to South Clinton, the same being platted & recorded in the recorder's office of Clinton County: To have and to hold said premises above described, unto the said second party forever; and the said party of the first part hereby covenants that said premises are free from any incumbrances, and that he has full right, power, and authority to convey the same:

In trust, however, for the following uses & purposes only, and no other, to wit:

352 The said Z. W. Arnold having this day executed unto Mary A. Perry a promissory note for the sum of $100 00, payable on the first day of April, 1859, dollars, payable on the day of 18 , and one for dollars, payable on the day of 18 , with interest at the rate of per cent. per annum. Now, the better to secure the payment of said note, according to the tenor and affect thereof, the said party of the first part hereby convey the premises aforesaid to the said Mary A. Perry, in trust for the security of said payment; & in case the said Z. W. Arnold shall fail or refuse to pay said note when due, then & in that case the said Mary A. Perry, as trustee, shall be authorized to advertise said property in some newspaper printed in the county of Clinton, as aforesaid, at least 20 days, and sell the same at public auction, at the city of Clinton, to the highest bidder, for cash, in parcels & tracts of such size as the said Mary A. Perry shall deem most advantageous for the said party of the first part, or so much thereof as shall be necessary to satisfy the amount then due, with costs & expences of making such sale,

and account for and pay over the balance of the proceeds, (if any there be,) to the party of the first part, his heirs, assigns, or representatives, on demand; and she, the said Mary A. Perry, will be fully authorized & empowered to execute a deed in fee-simple for the premises aforesaid,
353 or so much thereof as she may sell to the purchaser thereof, which deed will be absolute, and prevent the said party of the first part, his heirs or assigns, from ever setting up any claim thereto, either in law or equity. The said party of the first part further stipulate, direct, and agree that, in case of the death, incapacity, or refusal of the said Mary A. Perry to act, then and in that case, the acting judge of the county court of Clinton County is hereby authorized and requested to appoint a suitable person to act as trustee; and any person so appointed shall be clothed with all the power & authority to act that is herein given the said Mary A. Perry.

In testimony whereof the said party of the first part has hereunto set his hand & seal the date first above written.

Z. W. ARNOLD.

STATE OF IOWA, *Clinton County, ss:*

Be it remembered that on this 1st day of Dec., A. D. 1858, before the undersigned, Samuel Crozer, a notary public in and for said county, personally appeared Z. W. Arnold, to me personally known to be the identical person whose name is affixed to the foregoing deed as grantor, and acknowledged the instrument to be his voluntary act & deed, and the said acknowledged that she executed the same without fear or compulsion, & for the express purpose of relinquishing her right of dower in the premises herein conveyed.

354 Witness my hand and notarial seal the day and year above written.

[SEAL.] SAMUEL CROZER,
Notary Public.

STATE OF IOWA, *Clinton County, ss:*

I, J. D. Fegan, recorder of said county, do hereby certify that the foregoing is a true copy of a trust-deed recorded in book G of mortgages, page 557, Clinton County records.

Witness my hand, done at office in De Witt, this 18th day of Aug., A. D. 1869.

J. D. FEGAN, *Recorder.*

EXHIBIT No. 9.—*Tax-sale deed.*

Know all men by these presents that, whereas the following-described real property, viz: Lot number sixteen, (16,) in block seven, (7,) in Arnold & Young's addition to S. Clinton; lot number seventeen, (17,) in block seven, (7,) in Arnold & Young's addition to South Clinton; lot number twenty, (20,) in block seven, (7,) in Arnold & Young's addition to South Clinton; lot number twenty-one, (21,) in block seven, (7,) in Arnold & Young's addition to South Clinton; lot number twenty-two, (22,) in block seven, (7,) in Arnold & Young's addition to South Clinton; lot number twenty-three, (23,) in block seven, (7,) in Arnold & Young's addition to South Clinton; lot number twenty-four, (24,) in block seven, (7,) in Arnold & Young's addition to South Clinton, situated in the county of Clinton, & State of Iowa, was subject to taxation for
355 the years A. D. 1858, 1859, 1860, & 1861;

the taxes assessed upon said real property for the

years aforesaid remained due & unpaid at the date of the sale hereinafter named;

And whereas the treasurer of the said county did, on the 6th day of Oct., A. D. 1862, by virtue of the authority in him vested by law, at the sale begun and publicly held on the 1st Monday of Oct., A. D. 1862, expose to public sale, at the court-house, in the county aforesaid, in substantial conformity with all the requisitions of the statute in such case made & provided, the real property above described for the payment of the taxes, interest, & costs then due & remaining unpaid on said property;

And whereas, at the time & place aforesaid, W'm F. Coan, of the county of Clinton, & State of Iowa, having offered to pay the sum of $5 07, being the whole amount of taxes, interest, & costs then due and remaining unpaid on said property, for the whole of said property, to wit: Lot number sixteen, (16,) in block seven, (7,) in Arnold & Young's addition to South Clinton, for the sum of 73 cents; lot number seventeen, (17,) in block seven, (7,) in Arnold & Young's addition to South Clinton, for the sum of 73 cents; lot number twenty, (20,) in block seven, (7,) in Arnold & Young's addition to South Clinton, for the sum of 73 cents; lot No. twenty-one, (21,) in block seven, (7,) in Arnold & Young's addition to South Clinton, for the sum of 72 cents; lot
356 number twenty-two, (22,) in block seven, (7,) in Arnold & Young's addition to South Clinton, for the sum of 72 cents; lot number twenty-three, (23,) in block seven, (7,) in Arnold and Young's addition to South Clinton, for the sum of 73 cents; lot number twenty-four, (24,) in block seven, (7,) in Arnold & Young's addition to South Clinton, for the sum of 71 cents, which was the least quantity bid for; and payment of said sum having been by him made to the said treasurer, the said property was stricken off to him at that price;

And whereas 3 years have elapsed since the date of said sale, and the said property has not been redeemed therefrom, as provided for by law:

Now, therefore, I, Robert Williams, treasurer of the county aforesaid, for and in consideration of the said sum to the treasurer paid as aforesaid, and by virtue of the statute in such case made and provided, have granted, bargained, & sold, and by these presents do grant, bargain, & sell unto him, the said W'm F. Coan, his heirs and assigns, forever; subject, however, to all the rights of redemption provided by law.

In witness whereof I, Robert Williams, treasurer as aforesaid, by virtue of the authority aforesaid, have hereunto subscribed my name on this 24th day of May, A. D. 1866.

R. WILLIAMS, *Treasurer.*

[U.S. rev. stamp, 50 cents cancelled.]

357 STATE OF IOWA, *Clinton County, ss:*

I hereby certify that, before me, a notary public in and for said county, personally appeared the above-named Robert Williams, treasurer of said county, personally known to me to be the treas. of said county at the date of the execution of the above conveyance, and to be the identical person whose name is affixed to, and who executed the above conveyance as treasurer of said county, and who acknowledged the execution of the same to be his voluntary act & deed as treasurer of said county, for the purposes therein expressed.

Given under my hand seal this 24th day of May, A. D. 1866.

[NOTARIAL SEAL.] D. WHITNEY,
Notary Public.

Filed May 24th, 1866, at 9 a. m.

STATE OF IOWA, *Clinton County, ss:*

I, J. D. Fegan, recorder of said county, do hereby certify that the foregoing is a true, correct, & complete copy of a tax-deed recorded in book H of town lots, page 111, Clinton County records; as witness my hand at De Witt, this 16th day of Jan., A. D. 1866.

J. D. FEGAN, *Recorder.*

[U. S. rev. stamp, 5 cents.]

EXHIBIT NO. 10.—*Tax-sale deed.*

Know all men by these presents, that, whereas the following
358 described real property, viz: Lot number nineteen, (19,) in block six, (6,) in Arnold & Young's addition to South Clinton; lot number twenty, (20,) in block six, (6,) in Arnold & Young's addition to South Clinton; lot number twenty-three, (23,) in block six, (6,) in Arnold & Young's addition to South Clinton; lot number twenty-two, (22,) in block six, (6,) in Arnold & Young's addition to South Clinton; lot number twenty-four, (24,) in block six, (6,) in Arnold & Young's addition to South Clinton; lot number twenty-one, (21,) in block six, (6,) in Arnold & Young's addition to South Clinton; lot number fifteen, (15,) in block seven, (7,) in Arnold & Young's addition to South Clinton, situated in the county of Clinton, & State of Iowa, was subject to taxation for the years A. D. 1858, 1859, 1860, & 1861;

And whereas the taxes assessed upon said real property for the years aforesaid remained due & unpaid at the date of the sale hereinafter named;

And whereas the treasurer of said county did, on the 6th day of Oct., A. D. 1862, by virtue of the authority in him vested by law, at the sale begun & publicly held on the first Monday of Oct., A. D. 1862, expose to public sale at the court-house, in the county aforesaid, in substantial conformity with all the requisitions of the statute in such case made & provided, the real property above described for the payment of the taxes, interest, & costs then due & remaining unpaid on said property;

359 And whereas at the time & place aforesaid, W'm F. Coan, of the county of Clinton, & State of Iowa, having offered to pay the sum of $5 23 cents, being the whole amount of taxes, interest, & costs then due & remaining unpaid on said property for the whole of said property, to wit: Lot number nineteen, (19,) in block six, (6,) in Arnold & Young's addition to South Clinton, for the sum of 75 cents; lot number twenty, (20,) in block six, (6,) in Arnold & Young's addition to South Clinton, for the sum of 75 cents; lot number twenty-three, (23,) in block six, (6,) in Arnold & Young's addition to South Clinton, for the sum of 75 cents; lot number twenty-two, (22,) in block six, (6,) in Arnold & Young's addition to South Clinton, for the sum of 75 cents; lot number twenty-four, (24,) in block six, (6,) in Arnold & Young's addition to South Clinton, for the sum of 75 cents; lot number twenty-one, (21,) in block six, (6,) in Arnold & Young's addition to South Clinton, for the sum of 75 cents; lot number fifteen, in block seven, (7,) in Arnold & Young's addition to South Clinton, for the sum of 73 cents; which was the least quantity bid for, and payment of said sum having been by him made to the said treasurer, the said property was stricken off to him at that price;

And whereas 3 years have elapsed since the date of said sale,
360 & the said property has not been redeemed therefrom as provided for by law:

Now, therefore, I, Robert Williams, treasurer of the county

aforesaid, for & in consideration of the said sum to the treasurer paid as aforesaid, and by virtue of the statute in such case made & provided, have granted, bargained, and sold, and by these presents *to* grant, bargain, & sell unto the said W'm F. Coan, his heirs & assigns, the real property last hereinbefore described: To have & to hold unto him, the said W'm F. Coan, his heirs, & assigns, forever; subject, however, to all the rights of redemption provided by law.

In witness whereof I, Robert Williams, treasurer as aforesaid, by virtue of the authority aforesaid, have hereunto subscribed my name on this 24th day of May, 1866.

R. WILLIAMS,
Treasurer.

[Gov. stamp, 50 cents.]

STATE OF IOWA, *Clinton County, ss:*

I hereby certify that, before me, a notary public in & for said county, personally appeared the above-named, Robert Williams, treasurer of said county, personally known to me to be the treasurer of said county, at the date of the execution of the above conveyance, and to be the identical person whose name is affixed to, and who executed the above conveyance as treasurer of said county, and who acknowledged
361 the execution of the same to be his voluntary act & deed as treasurer of said county.

Given under my hand and seal this 24th day of May, A. D. 1866.

[NOTARIAL SEAL.] D. W. WHITNEY,
Notary Public.

Filed May 24th, 1866, at 9 a. m.

STATE OF IOWA, *Clinton County, ss:*

I, J. D. Fegan, recorder of said county, do hereby certify that the foregoing is a true, correct, and complete copy of tax-deed recorded in book H of town lots, page 112, Clinton County records.

As witness my hand at De Witt this 16th day of Jan., A. D. 1868.

J. D. FEGAN, *Recorder.*

[Stamp.]

EXHIBIT NO. 11.

Know all men by these presents that, whereas, the following-described real property, viz: Lot number one, (1,) in block four, (4,) in Arnold & Young's addition to South Clinton; lot number two, (2,) in block four, (4,) in same addition; lot number three, (3,) in block four, (4,) in same addition; lot number four, (4,) in block four, (4,) in same addition; lot number five, (5,) in block four, (4,) in same addition; lot number six, (6,) in block four, (4,) in same addition; lot number seven, (7,) in block four, (4,) in same addition; lot number eight, (8,) in block four, (4,) in same addition—all of the above lots are in Arnold & Young's
362 addition to South Clinton, situated in the county of Clinton, & State of Iowa—was subject to taxation for the years, A. D. 1858, 1859, 1860, & 1861;

And whereas the taxes assessed upon said real property for the years aforesaid remained due & unpaid at the date of the sale hereinafter named;

And whereas the treasurer of said county did, on the 6th day of Oct., A. D. 1862, by virtue of the authority in him vested by law, at the sale

begun & publicly held on the first Monday of Oct., A. D. 1862, expose to public sale at the court-house, in the county aforesaid, in substantial conformity with all the requisitions of the statute in such case made & provided, the real property above described, for the payment of the taxes, interest, & costs then due and remaining unpaid on said property;

And whereas, at the time & place aforesaid W'm F. Coan, of the county of Clinton, & State of Iowa, having offered to pay the sum of $5 36, being the whole amount of taxes, interest, & costs then due and remaining unpaid on said property, for the whole of said property, to wit: Lot number one, (1,) in block four, (4,) in Arnold & Young's addition to South Clinton, for the sum of 45 cents; lot number two, (2,) in block four, (4,) in Arnold & Young's addition to South Clinton, for the sum of 45 cents; lot number three, (3,) in block four, (4,) in Arnold & Young's addition to South Clinton, for the sum of 75 cents; lot number four, (4,) in block four, (4,) in Arnold & Young's addition to South Clinton, for the sum of 75 cents; lot number five, (5,) in block four, (4,) in Arnold & Young's addition to South Clinton, for the sum of 74 cents; lot No. six, (6,) in block four, (4,) in Arnold & Young's addition to South Clinton, for the sum of 74 cents; lot number seven, (7,) in block four, (4,) in Arnold & Young's addition to South Clinton, for the sum of 74 cents; lot number eight, (8,) in block four, (4,) in Arnold & Young's addition to South Clinton, for the sum of 74 cents, which was the least quantity bid for; and payment of said sum having been by him made to the said treasurer, the said property was stricken off to him at that price;

And whereas 3 years have elapsed since the date of said sale, and the said property has not been redeemed therefrom, as provided for by law:

Now, therefore, I, Robert Williams, treasurer of the county aforesaid, for & in consideration of the said sum to the treasurer paid as aforesaid, and by virtue of the statute in such case made & provided, have granted, bargained, & sold, and by these presents do grant, bargain, & sell unto the said W'm F. Coan, his heirs, & assigns, the real property last hereinbefore described: To have and to hold unto him the said W'm F. Coan, his heirs, and assigns, the real property last hereinbefore described, to have & to hold unto him, the said W'm F. Coan, his heirs, & assigns forever; subject, however, to all the rights of redemption provided by law.

In witness whereof I, Robert Williams, treasurer as aforesaid, by virtue of the authority aforesaid, have hereunto subscribed my name on this 19th day of May, 1866.

R. WILLIAMS, *Treasurer.*

[Gov. stamp, 50 cents.]

STATE OF IOWA, *Clinton County, ss:*

I hereby certify that, before me, a notary public in & for said county, personally appeared the above-named Robert Williams, treasurer of said county, personally known to me to be the treasurer of said county at the date of the execution of the above conveyance, and to be the identical person whose name is affixed to, and who executed the above conveyance as treasurer of said county, and who acknowledged the execution of the same to be his voluntary act & deed as treasurer of said county, for the purposes therein expressed.

Given under my hand and seal this 19th day of May, A. D. 1866.

[NOTARIAL SEAL.] D. WHITNEY,
Notary Public.

Filed May 19th, 1866, at 1 p. m.

365 STATE OF IOWA, *Clinton County, ss:*

I, J. D. Fegan, recorder of Clinton County, do hereby certify that the foregoing is a true, correct, & complete copy of a tax-deed, recorded in book H of town lots, page 92, Clinton County records.

As witness my hand at De Witt, this 16th day of Jan., A. D. 1868.

J. D. FAGAN, *Recorder.*

[Stamp.]

EXHIBIT No. 12.

Know all men by these presents, that whereas the following-described real property, viz: Lot number twenty-five, (25,) in block four, (4,) in Arnold & Young's addition to South Clinton; lot number twenty-six, (26,) in block four, (4,) in same addition; lot number twenty-seven, (27,) in block four, (4,) in same addition; lot number twenty-eight, (28,) in block four, (4,) in same addition; lot number twenty-nine, (29,) in block four, (4,) in same addition; lot number thirty, (30,) in block four, (4,) in same addition, situated in the county of Clinton, & State of Iowa, was subject to taxation for the years A. D. 1858, 1859, 1860, & 1861;

And whereas the taxes assessed upon said property for the years aforesaid remained due & unpaid at the date of the sale hereinafter named;

& whereas the treasurer of said county did, on the 6th day of Oct., A. D. 1862, by virtue of the authority in him vested by law,
366 at the sale begun & publicly held on the first Monday of Oct., A. D. 1862, expose to public sale at the court-house, in the county aforesaid, in substantial conformity with all the requisitions of the statute in such case made & provided, the real property above described, for the payment of the taxes, interest, & costs then due & remaining unpaid on said property;

And whereas, at the time & place aforesaid, W'm F. Coan, of the county of Clinton, & State of Iowa, having offered to pay the sum of $4 70, being the whole amount of taxes, interest, & costs then due & remaining unpaid on said property, for the whole of said property, to wit: Lot number twenty-five, (25,) in block four, (4,) in Arnold & Young's addition to South Clinton for the sum of 79 cents; lot No. twenty-six, (26,) in block four, (4,) in Arnold & Young's addition to South Clinton, for the sum of 79 cents; lot number twenty-seven, (27,) in block four, (4,) in Arnold & Young's addition to South Clinton, for the sum of 78 cents; lot number twenty-eight, (28,) in block four, (4,) in Arnold & Young's addition to South Clinton, for the sum of 78 cents; lot number twenty-nine, (29,) in block four, (4,) in Arnold & Young's addition to South Clinton, for the sum of 78 cents; lot number thirty, (30,) in block four, (4,) in Arnold & Young's addition to South Clinton, for
367 the sum of 78 cents, which was the least quantity bid for; and payment of said sum having been by him made to the said treasurer, the said property was stricken off to him at that price;

And whereas 3 years have elapsed since the date of said sale, and the said property has not been redeemed therefrom as provided for by law:

Now, therefore, I, Robert Williams, treasurer of the county aforesaid, for & in consideration of the said sum paid to the treasurer as aforesaid, & by virtue of the statute in such case made & provided, have granted, bargained, & sold, and by these presents do grant, bargain, & sell unto him, the said W'm F. Coan, his heirs & assigns, the real property last hereinbefore described: To have & to hold unto him, the said W'm F. Coan, his heirs & assigns forever; subject, however, to all the rights of redemption provided by law.

In witness whereof I, Robert Williams, treasurer as aforesaid, by virtue of the authority aforesaid, have hereunto subscribed my name, on this 19th day of May, 1866.

R. WILLIAMS,
Treasurer.

[Gov't stamp, 50 cents.]

STATE OF IOWA, *Clinton County, ss:*

I hereby certify that before me, a notary public in & for said county, personally appeared the above-named Robert Williams, treasurer of said county, personally known to me to be the treasurer of said county at the date of the execution of the above conveyance, and to be the
368 identical person whose name is affixed to, and who executed the above conveyance as treasurer of said county, and who acknowledged the execution of the same to be his voluntary act & deed as treasurer of said county, for the purposes therein expressed.

Given under my hand & seal this 19th day of May, A. D. 1866.

[NOTARIAL SEAL.] D. WHITNEY, *Notary Public.*

Filed May 19th, 1866, at 1 p. m.

STATE OF IOWA, *Clinton County, ss:*

I, J. D. Fegan, recorder of said county, do hereby certify that the foregoing is a true, correct, & complete copy of the tax-deed recorded in book H of town lots, page 95, Clinton County records; as witness my hand this 16th day of Jan., A. D. 1868.

J. D. FEGAN, *Recorder.*

[Stamp.]

EXHIBIT No. 13.

Know all men by these presents, that, whereas the following-described real property, viz: Lot number seven, (7,) in block six, (6,) in Arnold & Young's addition to South Clinton; lot number eight, (8,) in block six, (6,) in Arnold & Young's addition to South Clinton; lot number thirteen, (13,) in block six, (6,) in Arnold & Young's addition to South Clinton; lot number fourteen, (14,) in block six, (6,) in Arnold &
369 Young's addition to South Clinton; lot number sixteen, (16,) in block six, (6,) in Arnold & Young's addition to South Clinton; lot number seventeen, (17,) in block six, (6,) in Arnold & Young's addition to South Clinton; lot number eighteen, (18,) in block six, (6,) in Arnold & Young's addition to South Clinton, situated in the county of Clinton, & State of Iowa, was subject to taxation for the years A. D. 1858, 1859, 1860, 1861;

And whereas the taxes assessed upon said real property for the years aforesaid remained due & unpaid at the date of the sale hereinafter named;

And whereas the treasurer of the said county did, on the 6th day of Oct., A. D. 1862, by virtue of the authority in him vested by law, at the sale begun & publicly held on the first Monday of Oct., A. D. 1862, expose to public sale at the court-house, in the county aforesaid, in substantial conformity with all the requisitions of the statute in such case made & provided, the real property above described, for the payment of the taxes, interest, & costs then due & remaining unpaid on said property;

And whereas at the time & place aforesaid, W'm F. Coan, of the county of Clinton, & State of Iowa, having offered to pay the sum of five dollars & 25 cents, being the whole amount of taxes, interest, & costs then due & remaining unpaid on said property, for the whole of said property, to wit: Lot number seven, (7,) in block six, (6,) in
370 Arnold & Young's addition to South Clinton, for the sum of 75 cents; lot number eight, (8,) in block six, (6,) in Arnold & Young's addition to South Clinton, for the sum of 75 cents; lot number thirteen, (13,) in block number six, (6,) in Arnold & Young's addition to South Clinton, for the sum of 75 cents; lot number fourteen, (14,) in block six, (6,) in Arnold & Young's addition to South Clinton, for the sum of 75 cents; lot number sixteen, (16,) in block six, (6,) in Arnold & Young's addition to South Clinton, for the sum of 75 cents; lot number seventeen, (17,) in block six, (6,) in Arnold & Young's addition to South Clinton, for the sum of 75 cents; lot number eighteen, (18,) in block six, (6,) in Arnold & Young's addition to South Clinton, for the sum of 75 cents, which was the least quantity bid for, & payment of said sum having been by him made to the said treasurer, the said property was stricken off to him at that price;

And whereas 3 years have elapsed since the date of said sale, and the said property has not been redeemed therefrom as provided for by law:

Now, therefore, I, Robert Williams, treasurer of the county aforesaid, for & in consideration of the said sum to the treasurer paid as aforesaid, & by virtue of the statute in such case made & provided, have granted, bargained, and sold, and by these presents do grant,
371 bargain, and sell unto the said W'm F. Coan, his heirs & assigns, the real property last hereinbefore described: To have & to hold unto him, the said W'm F. Coan, his heirs & assigns, forever; subject, however to all the rights of redemption provided by law.

In witness whereof I, Robert Williams, treasurer as aforesaid, by virtue of the authority aforesaid, have hereunto subscribed my name on this 24th day of May, 1866.

ROBERT WILLIAMS,
Treasurer.

[Gov. stamp. 50 cents.]

STATE OF IOWA, *Clinton County, ss:*

I hereby certify that before me, a notary public in & for said county, personally appeared the above-named Robert Williams, treasurer of said county, personally known to me to be the treasurer of said county at the date of the execution of the above conveyance, and to be the identical person whose name is affixed to, and who executed the above conveyance as treasurer of said county, and who acknowledged the execution of the same to be his voluntary act & deed as treasurer of said county, for the purposes therein expressed.

Given under my hand and seal this 24th day of May, A. D. 1866.

[NOTARIAL SEAL.] D. WHITNEY,
Notary Public.

Filed May 24th, 1866, at 9 a. m.

372 STATE OF IOWA, *Clinton County, ss:*

I, J. D. Fegan, recorder of said county, do hereby certify that the foregoing is a true, correct, & complete copy of a tax deed recorded

in book H of town lots, page 107, Clinton County records; as witness my hand, at De Witt, this 16th day of Jan., A. D. 1868.

J. D. FEGAN, *Recorder.*

[5-ct. rev stamp.]

EXHIBIT No. 14.

Know all men by these presents that, whereas the following described real property, viz: Lot number one, (1,) in block five, (5,) in Arnold and Young's addition to South Clinton; lot number two, (2,) in block five, (5,) in Arnold & Young's addition to South Clinton; lot number three, (3,) in block five, (5,) in Arnold & Young's addition to South Clinton; lot number four, (4,) in block five, (5,) in Arnold & Young's addition to South Clinton; lot number twenty-one, (21,) in block five, (5,) in Arnold & Young's addition to South Clinton; lot number twenty-two, (22,) in block five, (5,) in Arnold & Young's addition to South Clinton; lot number twenty-six, (26,) in block number five, (5,) in Arnold & Young's addition to South Clinton; situated in the county of Clinton & State of Iowa, was subject to taxation for the years A. D. 1858, 1859, 1860 & 1861;

373 And whereas the taxes assessed upon said real property, for the years aforesaid, remained due and unpaid at the date of the sale hereinafter named;

And whereas the treasurer of the said county did, on the 6th day of Oct. A. D. 1862, by virtue of the authority in him vested by law, at the sale begun & publicly held on the first Monday of Oct. A. D. 1862, expose to public sale at the court-house, in the county aforesaid, in substantial conformity with all the requisitions of the statute in such case made & provided, the real property above described, for the payment of the taxes, interest, & costs then due and remaining unpaid on said property;

And whereas, at the time & place aforesaid, W'm F. Coan, of the county of Clinton, & State of Iowa, having offered to pay the sum of $5 22, being the whole amount of taxes, interest, and costs then due & remaining unpaid on said property for the whole of said property, to wit: Lot number one, (1,) in block five, (5,) in Arnold & Young's addition to South Clinton, for the sum of 78 cents; lot number two, (2,) in block five, (5,) in Arnold & Young's addition to South Clinton, for the sum of 79 cents; lot number three, (3,) in block five, (5,) in Arnold and Young's addition to South Clinton, for the sum of 68 cents; lot number four, (4,) in block (5,) in Arnold and Young's addition to South Clinton, for the sum

374 of 68 cents; lot number twenty-one, (21,) in block five, (5,) in Arnold & Young's addition to South Clinton, for the sum of 77 cents; lot number twenty-two, (22,) in block five, (5,) in Arnold & Young's addition to South Clinton, for the sum of 76 cents; lot number twenty-six, (26,) in block five, (5,) in Arnold & Young's addition to South Clinton, for the sum of 76 cents, which was the least quantity bid for; and, payment of said sum being by him made to the said treasurer, the said property was stricken off to him at that price;

And whereas 3 years have elapsed since the date of said sale, and the said property has not been redeemed therefrom, as provided for by law:

Now, therefore, I, Robert Williams, treasurer of the county aforesaid, for & in consideration of the said sum to the treasurer paid as aforesaid, and by virtue of the statute in such case made & provided, have granted, bargained, & sold, and do by these presents grant, bargain,

& sell unto the said W'm F. Coan, his heirs and assigns, the real property last hereinbefore described: To have & to hold unto him the said W'm F. Coan, his heirs & assigns, forever; subject, however, to all the rights of redemption provided by law.

In witness whereof I, Robert Williams, treasurer as aforesaid,
375 by virtue of the authority aforesaid, have hereunto subscribed my name on this 19th day of May, 1866.

R. WILLIAMS, *Treasurer.*

[Stamp.]

STATE OF IOWA, *Clinton County, ss:*

I hereby certify that, before me, a notary public in & for said county, personally appeared the above-named Robert Williams, treasurer of said county, personally known to me to be the treasurer of said county at the date of the execution of the above conveyance, and to be the identical person whose name is affixed to and who executed the above conveyance as treasurer of said county, and who acknowledged the execution of the same to be his voluntary act & deed as treas. of said county, for the purposes therein set forth.

Given under my hand and notarial seal this 19th day of May, A. D. 1866.

[NOTARIAL SEAL.] D. WHITNEY,
Notary Public.

Filed May 19th, 1866, at 1 p. m.

STATE OF IOWA, *Clinton County, ss:*

I, J. D. Fegan, recorder of said county, do hereby certify that the foregoing copy of tax deed is a true, correct, & complete copy of the tax-deed recorded in book H of town lots, page 91. In witness my hand this 16th day of Jan., A. D. 1868.

J. D. FEGAN,
Recorder.

[Stamp.]

376 EXHIBIT No. 15.

Know all men by these presents that, whereas the following-described real property, viz: Lot number sixteen, (16,) in block five, (5,) in Arnold & Young's addition to South Clinton; lot number nine, (9,) in block six, (6,) in Arnold & Young's addition to South Clinton; lot number ten, (10,) in block six, (6,) in Arnold & Young's addition to South Clinton; lot number *lot number* fifteen, (15,) in block six, (6,) in Arnold & Young's addition to South Clinton; lot one, (1,) in block six, (6,) in Arnold & Young's addition to South Clinton; lot number two, (2,) in block six,(6,) in Arnold & Young's addition to South Clinton; lot number five, (5,) in block six, (6,) in Arnold & Young's addition to South Clinton; lot number six, (6,) in block six, (6,) in Arnold & Young's addition to South Clinton, situated in the county of Clinton, & State of Iowa, was subject to taxation for the years A. D. 1858, 1859, 1860, & 1861;

And whereas the taxes assessed upon said real property, for the years aforesaid, remained due and unpaid at the date of the sale hereinafter named;

& whereas the treasurer of the said county did, on the 6th day of Oct., A. D. 1862, by virtue of the authority in him vested by law, at the sale begun and publicly held on the first Monday of Oct., A. D. 1862,

expose to public sale at the court-house, in the county aforesaid,
377 in substantial conformity with all the requisitions of the statute in such case made & provided, the real property above described, for the payment of the taxes, interest, & costs then due and remaining unpaid on said property;

And whereas, at the time & place aforesaid, W'm F. Coan, of the county of Clinton, & State of Iowa, having offered to pay the sum of $4 90, being the whole amount of taxes, interest, & costs then due & remaining unpaid on said property, for the whole of said property, to wit: Lot number sixteen, (16,) in block five, (5,) in Arnold & Young's addition to South Clinton, for the sum of 39 cents; lot number nine, (9,) in block six, (6,) in Arnold & Young's addition to South Clinton, for the sum of 76 cents; lot number ten, (10,) in block six, (6,) in Arnold & Young's addition to South Clinton, for the sum of 75 cents; lot number fifteen, (15,) in block six, (6,) in Arnold & Young's addition to South Clinton, for the sum of 75 cents; lot number one, (1,) in block six, (6,) in Arnold & Young's addition to South Clinton, for the sum of 75 cents; lot number two, (2,) in block six, (6,) in Arnold & Young's addition to South Clinton, for the sum of 75 cents: lot number five, (5,) in block six, (6,) in Arnold & Young's addition to South Clinton, for the sum of 75 cents; lot number six, (6,) in block six, (6,) in Arnold & Young's addition to South Clinton, for the sum of 75 cents,
378 which was the least quantity bid for; and payment of said sum having been by him made to the said treasurer, the said property was stricken off to him at that price;

And whereas 3 years have elapsed since the date of said sale, & the said property has not been redeemed therefrom, as provided for by law:

Now, therefore, I, Robert Williams, treasurer of the county aforesaid, for & in consideration of the said sum to the treasurer paid as aforesaid, and by virtue of the statute in such case made & provided, have granted, bargained, & sold, and by these presents do grant, bargain, & sell unto the said W'm F. Coan, his heirs & assigns, the real property last hereinbefore described: To have & to hold unto him, the said W'm F. Coan, his heirs & assigns, forever; subject, however, to all the rights of redemption provided by law.

In witness whereof I, Robert Williams, treasurer as aforesaid, by virtue of the authority aforesaid, have hereunto subscribed my name on this 21st day of May, 1866.

R. WILLIAMS,
Treasurer.

[Gov. stamp, 50 cents.]

STATE OF IOWA, *Clinton County, ss:*

I hereby certify that, before me, a notary public in & for said
379 county, personally appeared the above-named Robert Williams, treasurer of said county, personally known to me to be the treasurer of said county at the date of the execution of the above conveyance, & to be the identical person whose name is affixed to, and who executed the above conveyance as treasurer of said county, and who acknowledged the execution of the same to be his voluntary act & deed as treasurer of said county, for the purposes therein expressed.

Given under my hand & seal this 24th day of May, A. D. 1866.

[NOTARIAL SEAL.] D. W. WHITNEY,
Notary Public.

Filed May 24th, 1866, at 6 p. m.

STATE OF IOWA, *Clinton County, ss:*

I, J. D. Fegan, recorder of Clinton County, do hereby certify that the foregoing is a true, correct, & complete copy of a tax deed, recorded in book H of town lots, page 109, Clinton County records. As witness my hand at De Witt this 16th day of Jan., A. D. 1868.

J. D. FEGAN, *Recorder.*

[5-ct. rev. stamp.]

EXHIBIT NO. 16.

This indenture, made this 16th day of July, A. D. 1862, between George A. Griswold, sheriff of the county of Clinton, in the State of Iowa, of the first part, & Eunice N. Gray, of the second part:

380 Whereas, at the June term of the district court in & for the county of Clinton, in the said State of Iowa, held at the court-house, on the 10th day of June, A. D. 1859, before the Hon. John F. Dillon, sole presiding judge of said court, it was, among other things, ordered, adjudged, & decreed by the said court, in a cause therein depending between Eunice N. Gray, plaintiff, & Abel Chandler, Jacob Iliff, & James Green, defendants, that the said plaintiff have & recover judgment against the said defendants for the sum of $275 49 *dollars*, & costs of suit, taxed at $8 75 *dollars*, & that execution issue therefor, as in such case by law made & provided;

And whereas, afterwards, to wit, on the 10th day of April, A. D. 1861, an execution was issued on said judgment, & placed in the hands of C. H. Toll, sheriff, for service; and the said sheriff, in pursuance of the judgment, order, & decree of said court in said action, and in pursuance of said execution and of the statute in such case made & provided, on the 15th day of April, A. D. 1861, made a levy of said execution on the property hereinafterward mentioned and described;

And whereas the said Sheriff Toll, in pursuance of the judgment, order, & decree of said court in said action, and in pursuance of the

381 levy aforesaid and the statute in such case made & provided, did, on the 16th day of May, A. D. 1861, sell at public auction, at the post office, in the city of Clinton, in said county of Clinton, the premises mentioned in the said levy and hereinafter described, after having given due & legal notice of the time, place, & terms of such sale, and advertising the said real estate by advertising & posting notices, as required by law;

And whereas, at the said sale, the said premises were struck off to & purchased by Eunice N. Gray, at & for the sum of $234 00 *dollars*, that being the highest sum bid for said real estate, and this said Sheriff Toll executed and delivered to said Eunice N. Gray a certificate of sale for the real estate hereinafter mentioned & described, reading, among other things, that said purchaser will be entitled to a deed for the property so sold on the 16th day of May, A. D. 1862, unless the same shall be redeemed as is provided by law, & as said real estate, with the exception of lots number 3, in block 6, & lots 25 & 26, in block 5, in Arnold & Young's addition to South Clinton, Clinton City, Clinton County, Iowa, has not been redeemed within the time specified by law:

Now, therefore, this indenture witnesseth: That the party of the first part, sheriff as aforesaid, in order to carry into effect the sale so

382 made in pursuance of this said decree of said court, and by virtue of the statute in such case made and provided, & in consideration of the sum of $234 00 *dollars*, to him in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged,

hath granted, bargained, & sold, and by these presents does grant, bargain, & sell, and convey unto the said party of the second part, and to her heirs & assigns, forever, the following-described real estate, situated in the county of Clinton, & State of Iowa, described as follows, to wit: Lots 10, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, & 24, in block 6; also, lots 2, 6, 7, 8, 21, 22, 25, 26, 27, 28, 29, & 30, in block 4; also, lots 1, 2, 16, 21, & 22, in block 5; also, lots 1, 2, 4, 5, 6, 7, 8, & 9, in block 6; all of the above-described real estate being situated in Arnold & Young's addition to Clinton City, Clinton County, Iowa: To have & to hold the above-described premises, with the appurtenances thereunto belonging unto the said party of the second part, and to her heirs and assigns, forever.

In witness whereof, the said party of the first part as aforesaid, has hereunto set his hand & seal the day and year first above-mentioned.

GEORGE A. GRISWOLD,
Sheriff of Clinton County, Iowa.

383 STATE OF IOWA, *Clinton County, ss:*

Be it remembered that, on the 16th day of July, A. D. 1862, before the undersigned, a notary public in & for said county, came George A. Griswold, to me personally known to be the identical person whose name is subscribed to the foregoing sheriff's deed as grantor, & acknowledged the instrument to be his voluntary act & deed as sheriff of said county, and that he executed the same for the purposes therein mentioned.

Witness my hand and notarial seal, the day & year last above written.

[NOTARIAL SEAL.] W'M FAMILTON,
Notary Public.

STATE OF IOWA, *Clinton County, ss:*

The foregoing was recorded Feb. 26th, 1864, at 9 a. m., in book of deeds F of town lots, pages 98, 99, & 100.

H. ANTHONY,
Recorder.

STATE OF IOWA, *Clinton County, ss:*

Be it remembered that, heretofore, to wit, at a term of the district court in & for Clinton County, Iowa, begun and holden at De Witt, in said county, on the 7th day of Sept., A. D. 1868, and the following entitled cause coming on to be heard, on the 9th day of Sept., A. D. 1869, and still during said term of said court, the following, among other, proceedings were had therein, to wit:

384 EUNICE N. GRAY } 2252. In equity.
vs.
GEORGE A. GRISWOLD. }

SEPT. 9TH, A. D. 1869.

This day this cause came on to be heard, & the plaintiff appeared by D. Gray, esq., her attorney, and the defendant by A. R. Cotton, esq., *her* attorney, and this cause coming on to be heard before the court, the court having heard all the *obli*gations & proofs, and being fully advised in the premises.

It appearing to the court that this action is brought by plaintiff to require the defendant Griswold to correct an error in the certain sheriff's

deed set forth in the petition of plaintiff herein, caused by the omission of the name of Z. W. Arnold, (one of the execution defendants, in a certain cause in which the said Eunice N. Gray was plaintiff, and Abel Chandler, Z. W. Arnold, Jacob Iliff, and James Green were defendants, upon which said cause judgment was recovered by said plaintiff, and against said defendants, on this 10th day of June, 1859,) from said deed, in connection with the names of said Abel Chandler, Jacob Iliff, & James Green, execution defendants as aforesaid.

And it further appearing to the court that said deed so executed by said Griswold at the date of its execution, the 16th day of July, A. D. 1862, sheriff of Clinton County, Iowa, should contain & recite the name of Z. W. Arnold as aforesaid, as one of said execution defendants,
385 & that said deed was recorded Feb. 26th, 1864, in book of deeds F of town lots, pages 98, 99, & 100, in the office of the recorder of Clinton County, Iowa.

It is ordered, adjudged & decreed by the court that the said defendant, George A. Griswold, be, & he is hereby, commanded to insert in said deed the name of Z. W. Arnold, as one of the execution defendants therein mentioned, and in default of said Griswold complying with this order within ten days from this rendition of this decree, the recorder of Clinton County is hereby authorized, empowered and commanded to insert the name of said Arnold therein, and upon the deed aforesaid, as recorded in book of deeds F of town lots, pages 98, & 69, & 100, now in his office.

And it is further ordered by the court that the plaintiff pay the costs of this proceeding, taxed at dollars.

STATE OF IOWA, *Clinton County, ss:*

I, Noel B. Howard, clerk of the district court in & for said county & State, hereby certify that the above & foregoing is a full, true, & complete copy of the record-entry of judgment in the above-entitled cause, as the same appears from the records of said court.

In witness whereof, I have hereto set my hand, & affixed the seal of said court at De Witt, in said county, this 18th day of Jan., A. D. 1869.

[DISTRICT COURT SEAL.] N. B. HOWARD,
Clerk of District Court.

386 STATE OF IOWA, *Clinton County, ss:*

The foregoing was filed for record Jan. 18th, 1869, at 2 o'clock, p. m. Recorded in book J of town lots, pages 241 & 242.

J. D. FEGAN, *Recorder.*

STATE OF IOWA, *Clinton County, ss:*

I, J. D. Fegan, recorder in and for Clinton County, Iowa, *to* hereby certify that the above & foregoing is a full, correct, & complete copy of sheriff's deed, this day filed in my office for record; & also, a true, full, & complete copy of the records of decree of court to correct the name of Z. W. Arnold in said sheriff deed, as the said decree of court is recorded in book J of town lots, on pages 241 & 242, of the Clinton County records.

Witness my hand officially this 19th day of Aug., A. D. 1869.

J. D. FEGAN, *Recorder.*

[5 cent. rev. stamp.]

EXHIBIT No. 17.

This indenture, made & executed the 17th day of Jan., A. D. 1861,

by & between Daniel Gray, of the county of Clinton, & State of Iowa, of the first part, & Eunice N. Gray, of the same place, of the second part, witnesseth:

That whereas Zara W. Arnold & David T. Arnold, of the same place, by a certain deed of trust, bearing date the 1st day of Oct., A. D. 1858, for the consideration of $650 00, did bargain, sell, & convey
387 unto the said Daniel Gray, trustee, & to his heirs & assigns, forever, all of the following-described parcel of land, situated in the county of Clinton, & State of Iowa, to wit: All that certain lot No. 4, in block 21, fronting 50 feet on Fifth avenue, & 140 f't deed, running back to an alley 20 f't wide, and extending 50 feet on said alley; also, lots Nos. 16 & 17, in block 7, and lots 3, 4, & 5, in block 4, as the same are numbered in Arnold & Young's addition to South Clinton, which is recorded in the recorder's office of said county, which deed was made subject to a proviso therein contained, that the same was made for the purpose of securing the payment of $650 00, payable on the 3rd day of December, 1858, with interest at the rate of ten per cent. per annum, with a special power in said deed of trust authorizing said Daniel Gray, trustee as aforesaid, in case said Arnold should neglect to pay said $650 00 aforesaid, or any part thereof, or the interest when due, to advertise said property in any newspaper printed in the county of Clinton, at least twenty days, and sell the same at public auction, at the Iowa Central Hotel, in Clinton, to the highest bidder, for cash, with power to execute to the purchaser a deed in fee-simple for the premises aforesaid, which deed should be absolute, & prevent said Arnold of the first part,
388 and his heirs, from setting up any claim thereto, either in law or equity;

And whereas said deed of trust was duly recorded upon the records of said Clinton County, on the 5th day of Sept. A. D. 1860, as appears endorsed thereon, & in book K, pages 493 & 494, to which deed, & the record, & the power therein, reference is hereby made, & in which all the matters recited herein more fully and at large appear;

And whereas, default having been made in the payment of the money so secured by said deed of trust, the premises hereinbefore particularly described & set out were, on the 16th day of Jan. A. D. 1861, at the hour of 10 o'clock in the forenoon, and at the Iowa Central Hotel, in said county, at public auction, sold to Eunice N. Gray, the said party of the second part, for the sum of $200 00, she being the highest & best bidder therefor, public notice having been previously given of said sale by an advertisement in a newspaper printed & published in said county of Clinton, and entitled "The Clinton Herald:"

Now, therefore, this indenture witnesseth: That the said party of the first part, for & in consideration of the sum aforesaid bid & to him in hand paid, the receipt whereof is hereby acknowledged, by the said party of the second part, has granted, bargained, & sold, and by
389 these presents does grant, bargain, sell, & convey unto the said party of the second part, her heirs & assigns forever, all & singular the parcel of land which is hereinbefore set out & described, with all the rights and privileges thereto belonging & appertaining, as the same are described & conveyed in said deed of trust, and all right, title, and interest of said Arnold, whether in law or equity, as well as of the said first party, in & to the premises before mentioned & described, & every part thereof, as fully, to all intents & purposes, as the said party of the first part has power & authority to give, grant, & sell the same, by virtue of said deed of trust: To have and to hold the said premises &

every part thereof, with all the appurtenances to her, the said second party, and to her heirs & assigns, forever.

In witness whereof the said party of the first part has hereunto set his hand & seal the day & year first above written.

DANIEL GRAY. [SEAL.]

STATE OF IOWA, *Clinton County, ss:*

Be it remembered that, on the 16th day of July, A. D. 1862, before the undersigned, a notary public in & for said county, personally appeared Daniel Gray, to me personally known to be the identical person whose name is affixed to the foregoing deed as grantor, and acknowledged the instrument to be his voluntary act & deed.

390 Witness my hand and notarial seal the day & year last above written.

[NOTARIAL SEAL.] W'M FAMILTON,
Notary Public.

STATE OF IOWA, *Clinton County, ss:*

The foregoing was filed for record this 26th day of Feb., A. D. 1864, at 9 o'clock a. m. and recorded in book F of town lots, pages 96, 97, & 98.

H. ANTHONY, *Recorder.*

STATE OF IOWA, *Clinton County, ss:*

I, J. D. Fegan, recorder in & for the county & State aforesaid, do hereby certify that the foregoing is a true, full, & complete copy of the records of a deed of the same, recorded in book F of town lots, on pages 96, 97, & 98 of Clinton County records. Witness my hand, officially, this 19th day of Aug., A. D. 1869.

J. D. FEGAN, *Recorder.*

[5 cent. rev. stamp.]

EXHIBIT NO. 18.—*Copy tax receipts for* 1863, '4, '5, '6, '7, & '8.

District court of Clinton County.

EUNICE N. GRAY }
vs.
W'M F. COAN ET AL. }

For 1863.

Received Sept. 29th, 1864, of Daniel Gray, 45 cents, in full for taxes, as below specified, for the year 1863, on the following-described property: Arnold & Young's addition to South Clinton, lot 17, block

391 7. Kind of tax: State, 02; county, 03; school, 01; road, 03; school-house, 03; dist.-school, 02; costs, 20; pools, 06, & duty, 05.

H. ANTHONY,
Collector of Clinton County, Iowa.

For 1863.

Received Sept. 29th, 1864, of E. N. Gray, $8 00, in full for taxes, as below specified, for the year 1863, on the following-described property in Clinton, in Arnold & Young's addition: Lots 1, 2, 5, 6, 7, 8, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, & 24, in block 6; lots 25, 26, 27, 28, 29, &

30, in block 4; also, lot 16, in block 7. Kind of tax: State, 30; county, 45; school, 15; road, 45; school-house, 45; school dist., 30; cost, 4 80; duty, 75.

H. ANTHONY,
Collector of Clinton County, Iowa.

[U. S. rev. stamp.]

For 1864.

Received Sept. 25th, 1865, of Mrs. E. N. Gray, $5 75 *dollars* in full taxes, as below specified, for the year 1864, on the following-described property, in Clinton, in Arnold & Young's addition: Lots 25, 26, 27, 28, 29, & 30, in block 4; lot 26, in block 5; lots 1 to 10, & 14 to 24, in block 6; lots 16 & 17, in block 7. Kind of tax: State, 39; county, 51; school, 17; road, 51; school dist., 60; addition, 1 60; bounty, 1 08.50; reclief, 34—5 23.

H. ANTHONY,
Collector of Clinton County, Iowa.

[U. S. rev. stamp.]

For 1865.

Received May 30th, 1866, of Daniel Gray, $3 83 *dollars*, in full for taxes, as below specified, for the year 1865, on the following-
392 described property, in Arnold & Young's addition to South Clinton: Lots 3, 4, 5, 25, 26, 27, 28, 29, & 30, in block 4; lots 16, 21, 22, & 26, in block 5; lots 1, 2, 5, 6, 7, 8, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, & 24, in block 6; lots 16 & 17, in block 7. Kind of tax: State, 42; county, 57; school, 29; road, 53; school dist., 96; lot dist. No. 1, 57; relief, 38—3 72.

ROBERT WILLIAMS,
Collector of Clinton County, Iowa.
By F. P. WILCOX, *Deputy.*

For 1866.

Received Jan. 10th, 1867, of Eunice N. Gray, $2 76, in full for taxes, as below specified, for the year 1866, on the following-described property, in Arnold & Young's addition to South Clinton: Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 21 & 22, in block 4; lots 2, 16, 21 & 22, in block 5; lots 16 & 17, in block 7. Kind of tax: State, 22; county, 37; school, 15; school dist., 51; contingent, 37; sub. dist. No. 1, 92; bridge, 22—2 76.

ROBERT WILLIAMS,
Collector of Clinton County, Iowa,
By E. R. LUCAS,
Deputy Collector.

For 1867.

Received Jan. 14th, 1868, of Eunice N. Gray, $182 86 *dollars*, in full for taxes, as below specified, for the year 1867, on the following-described property: S. W. ¼ or lots 5 & 6, in section 16, township 81, range 6, 160 acres; W. ½ S. E. or lot 7, section 16, town. 81, range 6, 80 acres; lots 1 to 8, inclusive, 21, 22, 25 to 30, inclusive, in block 4; lots 16, 21, & 22, in block 5, in Gray's addition to Clinton. Lots 1 to 10, inclusive in block 1; also, lots 1 to 7, in block 2; lots 1 to 22, in block 3;

393 lots 1, 2, 3, 6, 7, 8, 9, & 10, in block 4; lots 1 to 11, inclusive, 13 to 25, inclusive, in block 5; lots 14, 15, 16, 26, 27, 28, in block 5; lots 1, 2, 3, 4, 8, 9, & 10, in block 6—570 acres. Kind of tax: State, 18 21; county, 29 13; school, 7 28; road, 18 58; teachers, 36 41; contingent, 25 49; sub. dist. No. 2, 25 92; bridge, 14 56; relief, 7 28—total, $182 86.

R. WILLIAMS,
Collector of Clinton County,
By J. POLLOCK.

For 1867.

Received Jan. 14th, 1868, of E. N. Gray, $17 86 *dollars*, in full for taxes, as below specified, for the year 1867, on the following-described property in Arnold & Young's addition to Clinton: Lots 1, 2, 4, 5, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, & 24, in block 6; lots 16 & 17, in block 7. Kind of tax: State, 2 33; county, 3 73; school, 93; road, 15; teacher, 4 67; contingent, 3 26; bridge, 1 86; relief, 93—total, 17 86.

R. WILLIAMS,
Collector of Clinton County,
By J. POLLOCK.

For 1868.

Received Feb. 27th, 1869, of Daniel Gray, agt. of Eunice N. Gray, $47 61 *dollars*, in full for taxes, as below specified, for the year 1868, on the following-described property, in Arnold & Young's addition to South Clinton: Lots 1, 2, 3, 4, 5, 6, 29, & 30, in block 4, value, 240; lots 2, 16, 21, & 22, in block 5, value, 192; lots 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, & 24, in block 6, value, 1864; lots 16 & 17, in block
394 7, value, 84. Kind of tax: State, 3 45; county, 5 52; school, 2 07; teachers, 8 28; contingent, 4 83; sub. dist. No. 8, 20 70; bridge, 2 76—total, 47 61. (No. 563.)

J. H. CHURCHER,
Township Collector for Clinton, Iowa.

EXHIBIT No. 19.

STATE OF IOWA, *Clinton County, ss:*

Charles E. Leonard, being duly sworn, says that he is one of the proprietors of the Clinton Herald, a weekly newspaper published in said county, and that a notice, a printed copy of which is hereto annexed, has been published in said paper commencing on the 15th day of Dec. last, five weeks consecutively.

CHARLES E. LEONARD.

Subscribed & sworn to before me this 24th day of June, 1861, by the above-named Cha's E. Leonard.

F. P. WILCOX,
Justice of the Peace.

Copy of said notice.

Trustee's sale.

Whereas Zara W. Arnold & S. T. Arnold executed their certain deed of trust, bearing date the 1st day of Oct., 1858, to Daniel Gray, trustee, to secure the payment of certain moneys to Eunice N. Gray, which said deed of trust contains a power of sale in due form, & was duly recorded in the office of the recorder of the county of Clinton, Iowa, in book I, of mortgages, pages 493 & 494, Sept. 5th, 1860, and default having been made in the payment of the sum of $650 00 of the principle sum
395 secured by said deed of trust, besides the sum of $143 53 of interest thereon, to the date of this notice: Now, therefore, notice is hereby given, pursuant to the power of sale contained in said deed of trust, that the premises therein described will be sold at public auction to the highest bidder for cash, on the 16th day of Jan., A. D. 1861, at 10 o'clock in the forenoon, at the Iowa Central House, in the city of Clinton, in said county of Clinton, Iowa.

The premises mentioned in said deed of trust and to be sold in pursuance thereof, are described as follows: Lot No. 4, in block 21, fronting 50 feet on 5th avenue, and 150 feet deep, running back to an alley 20 feet wide, & extending 50 feet on said alley; and also lots numbered 16 & 17, in block 7, and lots 3, 4, & 5, in block number four, (4,) as the same are numbered in Arnold & Young's addition to South Clinton, which is recorded in the recorder's office of said county of Clinton, Iowa.

Printer's fees, $7 00.

Dated Dec. 15th, 1860.

D. GRAY, *Trustee.*

STATE OF IOWA, *Clinton County, ss:*

Charles E. Leonard, being duly sworn, says that he is one of the proprietors of the "Clinton Herald," a weekly newspaper published in said county, and that a printed copy of which is hereto annexed, has been published in said paper, commencing on the 19th day of
396 January last, five weeks consecutively.

CHARLES E. LEONARD.

Subscribed and sworn to before me, this 24th day of June, 1861, by the above-named Cha's E. Leonard.

F. P. WILCOX,
Justice of the Peace.

Copy of notice.

Trustee's sale.

Whereas Seth Sheldon, j'r, & Martha Sheldon executed their certain deed of trust, bearing date the 15th day of June, A. D. 1859, to Z. W. Arnold, trustee, to secure the payment of certain moneys to James Manning, which said deed of trust contains a power of sale in due form, & was duly recorded in the office of the recorder of the county of Clinton, Iowa, in book I of mortgages, pages 13 & 14, June 15th, 1859, and default having been made in the payment of the sum of $200 00 of the principle sum secured by said deed of trust, besides the sum of $32 & $\frac{42}{100}$ dollars of interest thereon, to the date of this notice:

Now, therefore, notice is hereby given, pursuant to the power of sale contained in said deed of trust, that the premises therein described will be sold at public auction to the highest bidder, for cash, on the 5th day of March, A. D. 1861, at one o'clock in the afternoon, at the west door of the court-house, in De Witt, in said county of Clinton, Iowa; the premises mentioned in said deed of trust, and to be sold in pursuance thereof, are described as follows: Lot number 5, in block No. 23,
397 as laid down on the map of the original town plat of Clinton City, Iowa.

Printer's fee, $7 00.

Dated, Jan. 15th, 1861.

Z. W. ARNOLD, *Trustee.*

STATE OF IOWA, *Clinton County, ss:*

Charles E. Leonard, being duly sworn, says that he is one of the proprietors of the "Clinton Herald," a weekly newspaper, published in said county, and that a notice, a copy of which is hereto annexed, has been published in said paper, commencing on the 19th day of Jan. last, four weeks consectively.

CHARLES E. LEONARD.

Subscribed & sworn to before me this 24th day of June, 1861, by the above-named Cha's E. Leonard.

F. P. WILCOX,
Justice of the Peace.

Copy of original notice.

STATE OF IOWA, *Clinton County, ss:*

In the district court.

JAMES MANNING
vs.
ABEL CHANDLER AND HENRIETTA CHANDLER.

To the above named defendants:

You are hereby notified that, on or before the 20th day of Feb., A. D. 1861, a petition of James Manning will be filed in the office of the clerk of the district court of Clinton County, State of Iowa, claiming of you a performance of your contract to purchase lots number 6, 7, 8, 9,
398 10, 11, in block No. 2, in Ringwood, in the town of Clinton, Clinton County, and State of Iowa, or to foreclose & sell your interest in said land, their being now due on said contract the sum of $2,272 48 *dollars* of principal, and the sum of $244 27 *dollars* of interest, and that unless you appear thereto and defend, before noon of the 2nd day of next March term of the district court, commencing at De Witt, in said county, on the 1st Monday of March next, default will be entered against you, and judgment rendered according to the prayer of the petition.

Printer's fee, $6 50.

Dated Jan. 11th, 1861.

D. GRAY.
Plaintiff's Attorney.

[Internal revenue stamp, of 50 cents on notice.]

EXHIBIT No. 20.

STATE OF IOWA, *Clinton County, ss:*

Pleas before the district court of the State of Iowa, at a term thereof, begun & held at De Witt, in & for said county, on the 5th day of Dec., A. D., 1864—present, the Hon. J. Scott Richmond, judge of the 7th judicial district of said State; George A. Griswold, sheriff of said county; and W'm Familton, clerk of said court.

MARY A. PERRY
vs.
Z. W. ARNOLD, S. T. ARNOLD, DAN'L GARVIN, Eunice N. Gray, D. P. McDonald, W'm G. Hannaford, Friend & Culberston. } 902. In equity.

399 STATE OF IOWA, *Clinton County, ss:*

Be it remembered that, heretofore, to wit, on the 27th day of Oct., A. D. 1864, there was filed in the office of the clerk of the district court of the State of Iowa, in & for said county, a petition, in the words and figures following, to wit:

STATE OF IOWA, *Clinton County, ss:*

In district court of said county. Dec. term, 1864.

MARY A. PERRY
vs.
Z. W. ARNOLD, S. T. ARNOLD, DANIEL GARVIN, Eunice N. Gray, D. P. McDonald, W'm G. Hanaford, Friend and Culbertson. }

To the district court of said county:

Your petitioner, the above-named plaintiff, shows the following facts constituting her cause of action:

1st. That, on the first day of Dec., 1858, the said Z. W. Arnold made his certain promissory note for the sum of $100 00, payable to the order of Mary A. Perry, due on the 1st day of April, 1859, with interest at ten per cent.; and to secure the payment of said note, with interest & costs, did, at the same time, execute his certain deed of trust to said plaintiff, conveying to her the real estate hereinafter described, which said deed of trust was duly acknowledged & filed for record in the office of recorder of said Clinton County, on the 9th day of Dec., A. D.
400 1858, & recorded in book G of mortgages, pages 557, 558, & 559. Said note & mortgages are hereto annexed, marked respectively Exhibits A & B, and made a part hereof.

2nd. Said real estate is described as follows, to wit: Lots Nos. 6, 7, & 8, in block 4, in Arnold & Young's addition to South Clinton, in Clinton County, Iowa, as the same appears of record in the office of recorder of said Clinton County.

3rd. That said S. T. Arnold, Daniel Garvin, Eunice N. Gray, D. P. McDonald, W'm G. Hannaford, & Friend and Culbertson claim to have equities in said real estate. Your petitioner, therefor', asks that they be made parties defendant herein, & that their interest therein be adjudged by this court on the trial of this suit.

4th. Your petitioner further shows that there is now due & owing on

said note the sum of $139 75 *dollars* to your petitioner from said Z. W. Arnold. She, therefor', asks judgment for that amount, with interest & cost', and that said premises be ordered to be sold according to law, and the proceeds of said sale be applied to the payment of said debt, interest, & costs; and, in case the same sells for less than the amount of said claim, interest, & cost', that she have a general execution against the property of Z. W. Arnold for the balance remaining, & that the said S. T. Arnold, Daniel Garvin, Eunice N. Gray, D. P. McDonald, W'm G. Hannaford, and Friend & Culbertson, and all persons claiming under said Z. W. Arnold be forever barred & foreclosed from ever setting up any claim either at law or in equity in & to said premises; & that she have such other & further relief as she may be entitled to from the case made.

401

CHARLES M. NYE,
Plaintiff's Attorney.

STATE OF IOWA, *Clinton County, ss:*

I, Charles M. Nye, being duly sworn, say that I am the attorney of the plaintiff in the above action; that the note & mortgage on which this suit is brought is now in my possession, & left with me by plaintiff for collection, that I know the contents of the above petition, & the matters therein stated are true, as I verily believe.

CHARLES M. NYE.

Subscribed in my presence, and sworn to before me this 26th day of Oct., 1864, by said Charles M. Nye.

[SEAL.] K. W. WHEELER,
Notary Public.

And attached to said petition is a note & deed of trust, of which the following are true and complete copies:

$100 00.]

Four months from date, for value received, I promise to pay Mary A. Perry or order, $100 00, with interest at the rate of ten per cent. per annum.

402

Clinton, Dec. 1st, 1858.

Z. W. ARNOLD.

And upon the back of said note the*ir is* the following endorsements, to wit:

Received on the within note the interest in full up to the 1st of August, 1859.

Clinton, July 27th, 1859.

MARY A. PERRY.

Received on the within note the interest in full up to the 1st of April, 1860.

Jan. 3rd, 1860.

MARY A. PERRY.

Received the interest in full upon the within note up to July 1st, 1860.

MARY A. PERRY.

Received the interest in full upon the within note up to Jan. 1st, 1861.

This indenture, made the 1st day of Dec., A. D. 1858, between Z. W. Arnold, of Clinton, of the first part, and Mary A. Perry, of Clinton City, Iowa, of the second part, witnesseth: That the said party of the first part, for the consideration of the sum of $100 00, the receipt whereof is hereby acknowledged, does by the' presents grant, bargain, sell, & convey unto the said party of the second part, her heirs or assigns the following-described tract of real estate, lying & being situated in the county of Clinton, & State of Iowa, to wit: Lots No. 6, 7, & 8, in block 4, in Arnold & Young's addition to South Clinton, the same
403 being platted and recorded in the recorder's office of Clinton County: To have and to hold said premises above described unto the said second party forever; and the said first party hereby covenants that said premises are free from any incumbrance, and that he has full right, power, & authority to convey the same.

In trust, however, for the following uses & purposes, and no other, to wit:

The said Z. W. Arnold, having this day executed unto Mary A. Perry a promissory note for the sum of $100 00, payable on the 1st day of April, 1859, dollars, payable on the day of , 18 , and one for dollars, payable on the day of 18 , with interest at the rate of per cent. per annum.

Now, the better to secure the payment of said note according to the tenor & effect thereof, the said party of the first part hereby conveys the premises aforesaid to the said Mary A. Perry, in trust for the security of said payment; & in case the said Z. W. Arnold shall fail or refuse to pay said note when due, then, & in that case, the said Mary A. Perry, as trustee, shall be authorized to advertise said property in some newspaper printed in the county of Clinton as aforesaid, at least 20 days, and sell the same at public auction at the city of Clinton, to the highest bidder for cash, in parcels & tracts of such size as
404 the said Mary A. Perry shall deem most advantageous for the said party of the first part, or so much thereof as shall be necessary to satisfy the amount then due, with costs & expences of making such sale, and account for & pay over the balance of the proceeds (if any there be) to the party of the first part, his heirs, assigns, or representatives, on demand; & she, the said Mary A. Perry, will be fully authorized & empowered to execute a deed in fee-simple for the premises aforesaid, or so much thereof as she may sell to the purchaser thereof, which deed will be absolute, & prevent the said party of the first part, his heirs or assigns, from ever setting up any claim thereto, either in law or equity.

The said party of the first part further stipulate, direct, and agree that, in case of the death, incapacity, or refusal of the said Mary A. Perry to act, then, & in that case, the acting judge of the county court of Clinton County is hereby authorized & requested to appoint a suitable person to act as trustee, and any person so appointed shall be clothed with all the power & authority to act that is given to the said Mary A. Perry.

In witness whereof the said party of the first part has hereunto set his hand and seal the date first above written.

Z. W. ARNOLD. [L. S.].

405 STATE OF IOWA, *Clinton County, ss:*

Be it remembered that, on the first day of December, A. D. 1858, before the undersigned Samuel Crozier, a notary public in & for said county, personally appeared Z. W. Arnold, to me personally known to

be the identical person whose name is affixed to the foregoing deed as grantor, and acknowledged the instrument to be his voluntary act & deed. And the said acknowledged that she executed the same without fear or compulsion, & for the express purpose of relinquishing her right of dower in the premises herein conveyed.

Witness my hand & notarial seal the day & year above written.

[NOTARIAL SEAL.] SAMUEL CROZIER,
Notary Public.

On the back of said deed of trust is endorsed the following:

Filed for record this 9th day of Dec., A. D. 1858, at 10 o'clock a. m., and recorded in book G of mortgages, pages 557, 558, & 559.

JAMES ALLISON,
Recorder Clinton County, Iowa.

And afterwards, to wit, on the 10th day of Dec., A. D. 1864, there was filed in the office of said clerk proof of publication of the original notice in the cause heretofore herein entitled, in the words & figures following, to wit:

406 STATE OF IOWA, *Clinton County, ss:*

I, S. Henry Shoemaker, being duly sworn, say that I am the editor & publisher of the De Witt Observer, a weekly paper published in the town of De Witt, Iowa; that the original notice in the case of Mary A. Perry against Z. W. Arnold et al., a copy of which is hereto attached, was published in the above-named paper for four weeks, viz, Oct. 28th, 1864, Nov. 4th, 11th, & 18th, 1864.

S. H. SHOEMAKER.

Sworn to before me & subscribed in my presence by said S. H. Shoemaker this 10th day of Dec., 1864.

[SEAL.] CHARLES M. NYE,
Notary Public.

[Stamp.]

And attached thereto is a printed copy of said original notice, in the words & figures following, to wit:

STATE OF IOWA, *Clinton County, ss:*

To Z. W. Arnold, S. T. Arnold, Daniel Garvin, Eunice N. Gray, D. P. McDonald, W'm G. Hanaford, & Friend and Culbertson.

You are hereby notified that there is now on file in the office of the clerk of the district court of said county a petition of Mary A. Perry, claiming of you the sum of $139 75, as money justly due her on a promissory note of said Z. W. Arnold, and the foreclosure of a trust-
407 deed given to secure the same, and unless you appear thereto & defend on or before noon of the 2nd day of next term of the said district court to be begun and held at De Witt, in said county, on the first Monday in Dec. next, default will be entered against you and judgment rendered thereon.

De Witt, Oct. 27th, 1864.

CHARLES M. NYE,
Plaintiff's Attorney.

[50-cent stamp.]

This indenture, made the 1st day of Dec., A. D. 1858, between Z. W. Arnold, of Clinton, of the first part, and Mary A. Perry, of Clinton City, Iowa, of the second part, witnesseth: That the said party of the first part, for the consideration of the sum of $100 00, the receipt whereof is hereby acknowledged, does by the' presents grant, bargain, sell, & convey unto the said party of the second part, her heirs or assigns the following-described tract of real estate, lying & being situated in the county of Clinton, & State of Iowa, to wit: Lots No. 6, 7, & 8, in block 4, in Arnold & Young's addition to South Clinton, the same
403 being platted and recorded in the recorder's office of Clinton County: To have and to hold said premises above described unto the said second party forever; and the said first party hereby covenants that said premises are free from any incumbrance, and that he has full right, power, & authority to convey the same.

In trust, however, for the following uses & purposes, and no other, to wit:

The said Z. W. Arnold, having this day executed unto Mary A. Perry a promissory note for the sum of $100 00, payable on the 1st day of April, 1859, dollars, payable on the day of , 18 , and one for dollars, payable on the day of 18 , with interest at the rate of per cent. per annum.

Now, the better to secure the payment of said note according to the tenor & effect thereof, the said party of the first part hereby conveys the premises aforesaid to the said Mary A. Perry, in trust for the security of said payment; & in case the said Z. W. Arnold shall fail or refuse to pay said note when due, then, & in that case, the said Mary A. Perry, as trustee, shall be authorized to advertise said property in some newspaper printed in the county of Clinton as aforesaid, at least 20 days, and sell the same at public auction at the city of Clinton, to the highest bidder for cash, in parcels & tracts of such size as
404 the said Mary A. Perry shall deem most advantageous for the said party of the first part, or so much thereof as shall be necessary to satisfy the amount then due, with costs & expences of making such sale, and account for & pay over the balance of the proceeds (if any there be) to the party of the first part, his heirs, assigns, or representatives, on demand; & she, the said Mary A. Perry, will be fully authorized & empowered to execute a deed in fee-simple for the premises aforesaid, or so much thereof as she may sell to the purchaser thereof, which deed will be absolute, & prevent the said party of the first part, his heirs or assigns, from ever setting up any claim thereto, either in law or equity.

The said party of the first part further stipulate, direct, and agree that, in case of the death, incapacity, or refusal of the said Mary A. Perry to act, then, & in that case, the acting judge of the county court of Clinton County is hereby authorized & requested to appoint a suitable person to act as trustee, and any person so appointed shall be clothed with all the power & authority to act that is given to the said Mary A. Perry.

In witness whereof the said party of the first part has hereunto set his hand and seal the date first above written.

Z. W. ARNOLD. [L. S.].

405 STATE OF IOWA, *Clinton County, ss:*

Be it remembered that, on the first day of December, A. D. 1858, before the undersigned Samuel Crozier, a notary public in & for said county, personally appeared Z. W. Arnold, to me personally known to

be the identical person whose name is affixed to the foregoing deed as grantor, and acknowledged the instrument to be his voluntary act & deed. And the said acknowledged that she executed the same without fear or compulsion, & for the express purpose of relinquishing her right of dower in the premises herein conveyed.

Witness my hand & notarial seal the day & year above written.

[NOTARIAL SEAL.] SAMUEL CROZIER,
Notary Public.

On the back of said deed of trust is endorsed the following:

Filed for record this 9th day of Dec., A. D. 1858, at 10 o'clock a. m., and recorded in book G of mortgages, pages 557, 558, & 559.

JAMES ALLISON,
Recorder Clinton County, Iowa.

And afterwards, to wit, on the 10th day of Dec., A. D. 1864, there was filed in the office of said clerk proof of publication of the original notice in the cause heretofore herein entitled, in the words & figures following, to wit:

406 STATE OF IOWA, *Clinton County, ss:*

I, S. Henry Shoemaker, being duly sworn, say that I am the editor & publisher of the De Witt Observer, a weekly paper published in the town of De Witt, Iowa; that the original notice in the case of Mary A. Perry against Z. W. Arnold et al., a copy of which is hereto attached, was published in the above-named paper for four weeks, viz, Oct. 28th, 1864, Nov. 4th, 11th, & 18th, 1864.

S. H. SHOEMAKER.

Sworn to before me & subscribed in my presence by said S. H. Shoemaker this 10th day of Dec., 1864.

[SEAL.] CHARLES M. NYE,
Notary Public.

[Stamp.]

And attached thereto is a printed copy of said original notice, in the words & figures following, to wit:

STATE OF IOWA, *Clinton County, ss:*

To Z. W. Arnold, S. T. Arnold, Daniel Garvin, Eunice N. Gray, D. P. McDonald, W'm G. Hanaford, & Friend and Culbertson.

You are hereby notified that there is now on file in the office of the clerk of the district court of said county a petition of Mary A. Perry, claiming of you the sum of $139 75, as money justly due her on a promissory note of said Z. W. Arnold, and the foreclosure of a trust-
407 deed given to secure the same, and unless you appear thereto & defend on or before noon of the 2nd day of next term of the said district court to be begun and held at De Witt, in said county, on the first Monday in Dec. next, default will be entered against you and judgment rendered thereon.

De Witt, Oct. 27th, 1864.

CHARLES M. NYE,
Plaintiff's Attorney.

[50-cent stamp.]

District court Clinton County. Dec. term, A. D. 1864.

MARY A. PERRY
vs.
Z. W. ARNOLD, S. T. ARNOLD, DANIEL GARvin, Eunice N. Gray, D. P. McDonald, W'm G. Hanaford, and Friend & Culbertson. } 902. In equity. Dec. 10th, 1864.

This day this cause came on to be heard, and the plaintiff appeared, by her attorney, C. M. Nye, but the said defendants Z. W. Arnold, S. T. Arnold, Daniel Garvin, Eunice N. Gray, D. P. McDonald, W'm G. Hannaford, and Friend and Culbertson, although duly and legally served with notice to appear and defend to this action, and being three times solom'ly called in open court, came not, but made default herein, which default is here now entered by order of the court; and it appearing to the court that this action is brought upon a certain mortgage and a note secured thereby, and the amount due thereon being unknown to the court—

408 It is ordered by the court that the clerk asses' the amount due thereon.

Whereupon the clerk assessed and reported the amount due to be the sum of $139 45 *dollars*, which report is accepted by the court as true.

Thereupon this cause came on for trial by the court, and the court having heard all the allegations & proof, & being fully advised in the premises, finds a decree for the plaintiff as prayed.

It is therefore ordered, adjudged, and decreed by the court, that the said plaintiff have and recover of and from the said defendant Z. W. Arnold, the sum of $139 45 *dollars*, and that a special execution issue thereof against the property described in said mortgage, & situated in the county of Clinton, & State of Iowa, to wit: Lots No. 6, 7, & 8, in block No. 4, in Arnold & Young's addition to South Clinton, the same being platted & recorded in the recorder's office of said Clinton County, or so much thereof as may be necessary to be sold to make said judgment, interest, costs, & accruing costs upon such sale; the sheriff shall execute & deliver to the purchaser or purchasers a deed or deeds of conveyance for said real estate, which shall be effectual to pass the title to the purchasers, & upon such sale, all the equity of redemption, right, title, and interest of all of said defendants, or of either of them, in or to said real estate, shall be forever and

409 absolutely barred & foreclosed, as well as all persons claiming by, through, or under said defendants, or either of them. No general execution to issue after the special.

STATE OF IOWA, *Clinton County, ss:*

I, Noel B. Howard, clerk of the district court of said State in & for said county, do hereby certify that the above and foregoing is a true & perfect transcript of the above-entitled cause, as fully as the same remains of file on record in my office.

In testimony whereof I have hereunto set my hand & affixed the seal of said court at De Witt, in said county, this 19th day of August, A. D. 1869.

[NOTARIAL SEAL.]

NOEL B. HOWARD,
Clerk of said Court.

[Stamp.]

Clerk's fees, $5 05.

EXHIBIT No. 21.

This indenture, made this 15th day of March, A. D. 1865, between George A. Griswold, sheriff of the county of Clinton, Iowa, of the first part, and Mary A. Perry, of the second part, witnesseth:

That, whereas, by virtue of a special execution issued out of & under the seal of the district court in & for Clinton County, Iowa, tested on the 10th day of Feb., A. D. 1865, & directed to the sheriff of said Clinton County, in a suit wherein Mary A. Perry was plaintiff, & Z. W. Arnold, S. T. Arnold, Daniel Garvin, Eunice N. Gray, D. P.
410 McDonald, W'm G. Hannaford, and Friend and Culbertson were defendants, it is recited that, whereas Mary A. Perry, plaintiff, theretofore filed a petition in the district court for Clinton County, Iowa, for the foreclosure of a certain mortgage upon real estate thereinafter described, making Z. W. Arnold and the above-named defendants defendants therein; & it is further recited that whereas the said district court, at the December term thereof, A. D. 1864, viz, on the 10th day of Dec., A. D. 1864, in said suit rendered judgment in favor of said plaintiff & against Z. W. Arnold for the sum of $139 45 *dollars* debt, & costs of suit taxed at $14 05, *dollars* with interest on said debt at the rate of ten per cent. per annum from the date of said judgment, and ordered that the real estate thereinafter described, or so much thereof as might be necessary, be sold, according to the statute in such case made & provided, to satisfy said judgment and interest & costs of suit aforesaid, & ordered as special execution to issue; and whereas, by the said execution, the said sheriff was commanded, in the name & by the authority of the State of Iowa, that of the said real estate in Clinton County, Iowa, to wit, lots Nos. 6, 7, & 8, in block 4, in Arnold & Young's addition to South Clinton, as the same is platted & recorded in the office of the recorder of Clinton County, Iowa, or so much thereof
411 as might be necessary, by levy & sale, pursuant to the statute in such case made and provided, he cause to be made, the said sum of $139 45 *dollars* debt, and said sum of $14 05 *dollars* costs, with interest as therein aforesaid, and all accruing costs, wherein said defendant is convicted, & further commanded other things, & said special execution being placed in the hands of said sheriff for service; and whereas the said sheriff, party of the first part to these presents, in pursuance of and by virtue of the commands in said special execution, & in purance of the provision of the statute in such case made & provided, did, on the 13th day of Feb, A. D. 1865, levy upon the said real estate above described, & did sell the said real estate, on the 15th day of March, A. D. 1865, at the court-house door, in De Witt, in the county of Clinton, Iowa, after having given public notice of the time & place and terms of such sale, in the manner required by the statute in such case made & provided; and whereas, at such sale, the said real estate was struck off and sold as follows, to wit, lots 6, 7, & 8, in block No. 4, in Arnold's & Young's addition to South Clinton, as the same is described above, to Mary A. Perry, for the sum of $121 41, *dollars* 'he being the highest bidder & that being the highest bid for the same:

Now, therefore, this indenture witnesseth: That the party of the
412 first part, as sheriff aforesaid, by virtue of such special execution, & in pursuance of the statute in such case made & provided, & in consideration of the sum of money so bidden as aforesaid, & to him, as sheriff, in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, hath granted, bargained, and sold, & by these presents doth grant, bargain, sell, & convey to the said party of

the second part, & to his heirs & assigns, forever, the said real estate so struck off & sold as aforesaid:

To have & to hold the said last above described premises with the appurtenances thereto belonging unto the said party of the second part, their heirs and assigns, forever.

In witness whereof the said party of the first part, sheriff as aforesaid, has hereto set his hand & seal the day & year first above mentioned.

GEORGE A. GRISWOLD,
Sheriff of Clinton County, Iowa.

[Government stamp, 50 cents.]

STATE OF IOWA, *Clinton County, ss:*

Be it remembered that, on the 15th day of March, A. D. 1865, before the undersigned, a notary public in & for said county, came George A. Griswold, sheriff of said county, to me personally known to be the identical person whose name is subscribed to the foregoing sheriff's
413 deed as grantor, and acknowledged the same to be his voluntary act & deed as sheriff of said county, and that he executed the same for the purposes therein mentioned.

Witness my hand and notarial seal the date last above written.

[NOTARIAL SEAL.] K. W. WHEELER,
Notary Public.

Filed March 15th, 1865, at 2 p. m.

STATE OF IOWA, *Clinton County, ss:*

I, J. D. Fegan, recorder in and for the county & State aforesaid, do hereby certify that the foregoing is a true, correct, and complete copy of the records, as the same is recorded in book F of town lots, page 448, Clinton County records.

Witness my hand, officially, this 3rd day of August, A. D. 1869.

J. D. FEGAN, *Recorder.*

EXHIBIT No. 22.

This indenture, made the 1st day of Dec., A. D. 1858, between Z. W. Arnold, of Clinton, of the first part, and Mary A. Perry, of Clinton City, Iowa, of the second part, witnesseth:

That the said party of the first part, for the consideration of the sum of $100 00, the receipt whereof is hereby acknowledged, does, by these presents, grant, bargain, sell, & convey unto the said party of the second part, her heirs or assigns, the following-described tract of real estate, lying & being situated in the county of Clinton, & State of Iowa,
414 to wit: Lots No. 6, 7, & 8, in block No. 4, in Arnold & Young's addition to South Clinton, the same being platted & recorded in the recorder's office of Clinton County:

To have & to hold said premises above described unto the said second party forever; and the said party of the first part hereby covenants that said premises are free from any incumbrances, and that he has full right, power, & authority to convey the same; in trust, however, for the following uses & purposes only, & no other, to wit: The said Z. W. Arnold having this day executed unto Mary A. Perry a promissory note for the sum of $100 00, payable on the 1st day of April, 1859; dollars, payable on the day of , 18 ; and one for dollars, payable on the day of , 18 ; with interest at the rate of per cent. per annum:

Now, the better to secure the payment of said note, according to the tenor & effect thereof, the said party of the first part hereby conveys the premises aforesaid to the said Mary A. Perry, in trust, for the security of said payment, and in case the said Z. W. Arnold shall fail or refuse to pay said note when due, then, & in that case, the said Mary A. Perry, as trustee, shall be authorized to advertise said property in some newspaper printed in the county of Clinton as aforesaid, at least 20 days, & sell the same at public auction at the city of Clinton
415 to the highest bidder, for cash, in parcels & tracts of such size as the said Mary A. Perry shall deem most advantageous for the said party of the first part, or so much thereof as shall be necessary to satisfy the amount then due, with costs and expenses of making such sale, & account for & pay over the balance of the proceeds (if any there be) to the party of the first part, his heirs, assigns, or representatives, on demand; & she, the said Mary A. Perry, will be fully authorized and empowered to execute a deed in fee-simple for the premises aforesaid, or so much thereof as she may sell, to the purchaser thereof, which deed will be absolute & prevent the said party of the first part, his heirs or assigns, from ever setting up any claim thereto, either in law or equity. The said party of the first part further stipulate, direct, & agree that, in case of the death, incapacity, or refusal of the said Mary A. Perry to act, then, & in that case, the acting judge of the county court of Clinton County is hereby authorized & requested to appoint a suitable person to act as trustee, & any person so appointed shall be clothed with all the power & authority to act that is herein given to the said Mary A. Perry.

In testimony whereof the said party of the first part has hereunto set his hand & seal the date first above written.

Z. W. ARNOLD. [L. S.]

416 STATE OF IOWA, *Clinton County, ss:*

Be it remembered that, on this 1st day of Dec., A. D. 1858, before the undersigned Samuel Crozier, a notary public in & for said county, personally appeared Z. W. Arnold, to me personally known to be the identical person, whose name is affixed to the foregoing deed as grantor, and acknowledged the instrument to be his voluntary act & deed. And the said Perry acknowledged that she executed the same without fear or compulsion, and for the express purpose of relinquishing her right of dower in the premises herein conveyed.

Witness my hand & notarial seal the day & year above-written.

[NOTARIAL SEAL.] SAMUEL CROZIER,
Notary Public.

STATE OF IOWA, *Clinton County, ss:*

I, J. D. Fegan, recorder of the county of Clinton, & State of Iowa, do hereby certify that the foregoing copy of mortgage or deed of trust is true & correct, as recorded in book "G" of mortgages, pages 557, 558, & 569, Clinton County records.

Witness my hand, done officially, at De Witt this 13th day of Jan., A. D. 1869.

J. D. FEGAN, *Recorder.*

[U. S. rev. stamp, 5 cents.]

417 EXHIBIT No. 23.

Know all men by these presents that Z. W. Arnold & S. T. Arnold,

of Ringwood, and of Clinton County, & State of Iowa, in consideration of the sum of $100 00 in hand paid by H. S. Hannaford, of Clinton, Clinton County, & State of Iowa, do hereby grant, bargain, sell, & convey unto the said H. S. Hannaford the following-described premises, situated in the county of Clinton, & State of Iowa, to wit, lots No. 1 & 2, in block No. 5, of Arnold and Young's addition to South Clinton, the same being recorded in the recorder's office of Clinton County, with all and singular the appurtenances, and we do hereby covenant with the said H. S. Hannaford that we are lawfully seized of said premises; that they are free from all incumbrances; that we have good right and lawful authority to sell the same, and we do hereby covenant to warrant & defend said premises against the lawful claims of all persons whomsoever.

In witness whereof we have hereunto set our hands and seals this 25th day of Feb., A. D. 1858.

Z. W. ARNOLD. [L. S.]
S. T. ARNOLD. [L. S.]

Signed & executed in presence of—

STATE OF IOWA, *Clinton County, ss:*

I do hereby testify that, before me, Samuel Crozier, a notary
418 public in & for said county, personally appeared the above-named Z. W. Arnold and S. T. Arnold, who are personally known to me to be the identical persons whose names are affixed to the above conveyance as grantors, and acknowledged the execution of the same to be their voluntary act & deed, for the purposes therein mentioned.

Given under my hand and notarial seal the day & year last above-written.

[NOTARIAL SEAL.] SAMUEL CROZIER,
Notary Public.

STATE OF IOWA, *Clinton County, ss:*

I, J. D. Fegan, recorder of Clinton County, & State of Iowa, do hereby certify that the foregoing is a true and correct copy of a deed, recorded in Book "A" of town lots, page 465, Clinton County records. Witness my hand, done at office in De Witt, this 14th day of Jan., A. D. 1868.

J. D. FEGAN,
Recorder of Clinton County, Iowa.

[Stamp.]

EXHIBIT No. 24.

This indenture, made the first day of Oct., A. D. 1858, between Zara W. Arnold & Savia T. Arnold, his wife, of the city of Clinton, & State of Iowa, of the first part, & Eunice N. Gray, of the same place, of the second part, witnesseth: That the said party of the first part, for the consideration of the sum of $650 00, the receipt whereof is hereby
419 acknowledged, do by these presents grant, bargain, sell, and convey unto the said party of the second part & his heirs, the following described tract of real estate lying and being situated in the county of Clinton, & State of Iowa, to wit: All that certain lot No. 4, in block 21, fronting 50 feet on Fifth avenue, and 140 f't deep, running back to an alley 20 feet wide, and extending 50 feet on said alley; and also lots 16 & 17, in block No. 7; and lots No. 3, 4, & 5, in block No. 4, as the same are numbered in Arnold & Young's addition to South Clinton, which is recorded in the recorder office of said county: To have

and to hold said premises above-described unto the said second party forever; and the said first party hereby covenants that said premises are free from any incumbrances, and that they have full right, power, and authority to convey the same.

In trust, however, for the following uses and purposes, and no other, to wit: The said Zara W. Arnold having this day executed unto the said Eunice N. Gray a promissory note for the sum of $650 00, payable on the 3rd day of Dec., 1858, with interest at the rate of ten per cent. per annum:

Now, the better to secure the payment of said note according to the tenor and affect thereof, the said party of the first part hereby
420 conveys the premises aforesaid to the said Eunice N. Gray, in trust, for the security of said payment, and in case the said Zara W. Arnold shall fail or refuse to pay said note when due, then, & in that case, Daniel Gray, as her trustee, shall be authorized to advertise said property in any newspaper printed in said county of Clinton as aforesaid, at least 20 days, & sell the same at public auction at the Iowa Central Hotel, in Clinton City, to the highest bidder, for cash, in parcels & tracts of such size as the said Daniel Gray shall deem most advantageous for said party of the first part, or so much thereof as shall be necessary to satisfy the amount due, with costs & expenses of making such sale, and account for & pay over the balance of the proceeds (if any there be) to the party of the first part, his heirs and assigns or representatives, upon demand, and the said Daniel Gray will be fully authorized & empowered to execute a deed in fee-simple for the premises aforesaid, or so much thereof as he may sell, to the purchasers thereof, which deed will be absolute, and prevent said party of the first part, or their heirs or assigns, from ever setting up any claim thereto either in law or equity.

The said party of the first part further stipulate, direct, and agree that, in case of the death, incapacity, of refusal of the said Daniel
421 Gray to act, then, & in that case, the acting judge of the county court of Clinton County is hereby authorized & requested to appoint a suitable person to act as trustee, and any person so appointed shall be clothed with all the power and authority to act that is herein given to said Daniel Gray.

In testimony whereof the said party of the first part have hereunto set their hands and seals the date first above written.

SAVIA T. ARNOLD. [L. S.]
Z. W. ARNOLD. [L. S.]

STATE OF IOWA, *Clinton County, ss:*

Be it remembered that, on the 20th day of August, A. D. 1860, before the undersigned, H. B. Horton, a notary public in and for said county, personally appeared Z. W. Arnold and Savia T. Arnold, his wife, to me personally known to be the identical persons whose names are affixed to the foregoing deed as grantors, and acknowledged the instrument to be their voluntary act & deed, and the said Savia T. Arnold acknowledged that she executed the same without fear or compulsion, and for the express purpose of relinquishing her right of dower in the premises therein conveyed.

Witness my hand & notarial seal the day and year above written.

[NOTARIAL SEAL.] H. B. HORTON,
Notary Public.

422 Filed September 5th, 1860, at 2.30 p. m.

STATE OF IOWA, *Clinton County, ss:*

I, J. D. Fegan, recorder in & for the county and State aforesaid, do hereby certify that the foregoing deed of trust is a full, correct, and complete copy of the records of the same, as recorded in book "J" of mortgages, pages 493 & 494, of Clinton County records.

Witness my hand, officially, this 19th day of August, A. D. 1869.

J. D. FEGAN,
Recorder.

[Stamp.]

STATE OF IOWA, *Clinton County, ss:*

In district court for said county.

EUNICE N. GRAY, PLAINTIFF,
vs.
W'M F. COAN, WALTER I. HAYES, ET AL., *et al.*, defendants.

Walter I. Hayes, being by me first duly sworn, deposes and says that he is one of the defendants in the above-entitled cause; that the deed made by Z. W. and S. T. Arnold to H. S. Hannaford, and recorded in the recorder' office of said Clinton County, in book "K" of town lots, page 465; the trust deed made by Z. W. Arnold to Mary A. Perry, and recorded in said office, in book "G" of mortgages, page 557, and the sheriff's deed made by George A. Griswold to Mary A. Perry, &
423 recorded in said office, in book "F" of town lots, page 448, none of them belong to any of the defendants in this case, and are not within the control of any of the defendants in this case.

WALTER I HAYES.

Subscribed & sworn to before me & in my presence by said Walter I. Hayes, this 17th day of August, 1869.

Witness my hand and seal.

[NOTARIAL SEAL.]

F. P. WILCOX,
Notary Public.

Filed Sept. 7th, 1869.

N. B. HOWARD, *Clerk.*

STATE OF IOWA, *Clinton County, ss:*

I, Noel B. Howard, clerk of the district court in & for said county, do hereby certify that the deposition' hereto attached are the original depositions taken in the cause No. 2488, wherein Eunice N. Gray was plaintiff, and W'm F. Coam et al. were defendants, and filed in my office.

Witness Noel B. Howard, clerk of the district court in and for said county, and the seal of said court hereunto affixed, at Clinton City, this 25th day of Jan., A. D. 1870.

[SEAL.]

N. B. HOWARD, *Clerk.*

[Stamp.]

STATE OF IOWA, *Cedar County, ss:*

424 I, W'm Elliott, clerk of the district court in & for said county, do hereby certify that the attached depositions were filed and used in a cause wherein Eunice N. Gray was plaintiff, and W'm F. Coan

et al. were defendants, being a change of venue from Clinton County, tried before Hon. James H. Rothrock, judge of the 8th judicial district of the State of Iowa, at Tipton, in said Cedar County, on the 28th day of Jan., A. D. 1870.

Witness my hand & the seal of the district court of said county, at Tipton therein, this 3rd day of May, 1870.

{ SEAL OF DIST. COURT FOR CEDAR COUNTY. } W'M ELLIOTT, *Clerk of District Court.*

425 (Indorsed:) 3778. Depositions. In re E. N. Gray vs. W'm F. Coan et al. Change of venue from Clinton Co., Iowa. Filed Oct. 4th, 1870. C. Linderman, clerk. Filed Jan. 28th, 1870. W'm Elliott, clerk.

426 *Record entries.*

At an argument term of the supreme court of the State of Iowa, begun and held at the city of Davenport, on Tuesday, the 4th day of October, A. D. 1870—

Present, the Hon. Chester C. Cole, ch. J; James G. Day, Joseph M. Beck, William E. Miller, judges—

When the following, among other proceedings, were had and done, to wit:

EUNICE N. GRAY, APP'L'T, *vs.* WILLIAM F. COAN. } Appeal from Cedar district court.

On this day, this cause coming on for hearing, is submitted to the consideration of the court, on printed and oral argument of counsel.

And, at a regular term of said court, held at the city of Des Moines on the 27th day of January, A. D. 1871, the same officers being present the following was had and done in said cause:

EUNICE N. GRAY, APP'L'T, *vs.* WILLIAM F. COAN. } Appeal from Cedar district court.

In this cause, the court being now fully advised in the premises, find there is no error in the judgment and proceedings of the district
427 court, and file their written opinion. It is, therefore, considered and adjudged by the court that the judgment of the court below be, and the same hereby is, affirmed, and that a writ of procedendo issue accordingly. It is further considered by the court that the appellee have and recover of and from the appellant the costs herein expended at this court, taxed at $, and that execution issue therefor.

And, at an argument term of said court, held at the city of Davenport, on Tuesday, the 4th day of April, A. D. 1871—

Present, the Hon. James G. Day, ch. J.; Joseph M. Beck, William E. Miller, Chester C. Cole, judges—

When the following proceedings were had in said cause:

EUNICE N. GRAY, APP'L'T,
vs.
WILLIAM F. COAN.
} Appeal from Cedar district court.

On this day, this cause again coming on for hearing, is submitted to the consideration of the court on petition of plaintiff, for a rehearing herein.

And, at a regular term of said court, held at the city of Des Moines, on the 21st of June, 1871, the same officers being present, the following was had in said cause:

428 EUNICE N. GRAY, APP'L'T,
vs.
WILLIAM F. COAN
} Appeal from Cedar district court.

In this cause the court, being now fully advised in the premises, overrule plaintiff's petition for a rehearing herein.

Opinion.

EUNICE N. GRAY, APP'L'T,
vs.
WILLIAM F. COAN.
} Appeal from Cedar district court.

This action was originally brought in the Clinton district court, for the purpose of setting aside certain tax deeds held by the appellee, William F. Coan, for certain lots in Arnold and Young's addition to Clinton, described in the petition and amended petition, and to quiet the plaintiff's title thereto.

The plaintiff claims to be the owner in fee of the lots described; alleges that the tax deeds are void, and a cloud upon her title; that she had duly redeemed from the tax sales upon which the deeds were made and delivered; that the lots were sold in bulk, and that the board of supervisors did not order or direct the clerk to attach any warrant to the tax list, directing the treasurer to collect the taxes for which the lots were sold.

429 The defendants, in their answer, deny plaintiff's title to the lots, and deny the facts alleged in the petition as reasons for avoiding the tax deeds, and set up new tax deeds for the lots in controversy, and claim to be the owners thereof. Issue being joined, the venue was changed to Cedar County on application of plaintiff, and the case there tried, by the first method of equitable trials, upon the pleadings and testimony in two other cases about the same lots, as evidence in this case, by stipulation. Judgment for defendants, and plaintiff appeals. The further facts appear in the opinion.

D. Gray for appellant.

Walter I. Hayes for appellees.

MILLER, J.:

The plaintiff's evidence in support of her title is as follows:

1. A deed from Francis Wier to Zara W. Arnold, dated June 14th, 1856, purporting to convey the premises in question.

2. A plat of Arnold and Young's addition to the city of Clinton, including the lots in question.

3. A judgment in favor of plaintiff against Zara W. Arnold, rendered June 10th, 1859, for the sum of $275 49 and costs.

4. Execution on said judgment and return, showing levy and sale of the premises in controversy to the plaintiff, May 16th, 1861.

5. The sheriff's deed to the plaintiff, in pursuance of such sale, July 16th, 1862.

6. A trust deed from Zara W. Arnold and wife to D. Gray, as
430 trustee of plaintiff, dated October 1st, 1858, on lots 3, 4, & 5, in block 4, and lots 16 & 17, in block 7.

7. A deed of D. Gray, as trustee, on a sale made under said trust deed, conveying to plaintiff the lots included in the trust deed.

8. Certificate of redemption from tax sales of the lots in controversy since the tax sale of 1862.

9. Receipts for the payment of all taxes on the premises since October 6th, 1862.

10. Evidences tending to show that a deed, absolute on its face, from Zara W. Arnold and wife to Dwight Budd, dated May 17th, 1859, (prior to the rendition of the plaintiff's judgment against Arnold,) was given to secure a loan of money, and therefore only a mortgage.

11. Plaintiff also gives in evidence a certain trust deed or mortgage from Arnold to Mary A. Perry, and one to W. G. Haniford, and a judgment in favor of Garvin against Arnold, all of which are prior liens.

The evidence further shows that all of the lots claimed by the plaintiff (except three) were sold for taxes in 1863; purchased by William F. Coan, upon which sales he obtained treasurer's deeds in 1866. It further shows that many of the lots claimed by plaintiff were conveyed by Arnold, through whom plaintiff claims title, to one Reed, prior to any claim of title of plaintiff, and that Reed conveyed to Coan. It is further shown that defendant Hays purchased thirteen of the lots, including the three not sold for taxes to Coan, at a sheriff's sale, on a judgment in favor of Garvin and against Arnold, which was older than the plaintiff's judgment against Arnold.

431 I. The first objection, made by appellant to the tax deeds, is that "the supervisors never directed the clerk of their board to collect the taxes in question;" and in argument, we are refer'ed, on this point, to sec. 748 of the revision, which requires the clerk of the board of supervisors, under their direction, to attach a warrant, under his hand and official seal, to the tax list, &c., requiring the trustees to collect the taxes. It will be readily observed that it is not the duty of the clerk to collect the taxes, nor the province of the board of supervisors to direct him to do so. The evidence shows that the clerk did attach the required warrant to the tax list for the year these lots were sold, and upon which the tax deeds in this case were executed, but that the board did not direct the clerk to collect the taxes. These facts are shown by the clerk himself, who is examined as a witness for the plaintiff, and in answer to interrogations put by her counsel.

II. Appellant objects to the validity of the tax deeds because the smallest portion of any one lot was neither sold nor offered for sale for the taxes due thereon as the law requires. The tax deeds do not recite the manner in which the lots were offered for sale, but the deputy treasurer, called and examined on this point by plaintiff, testifies that "the lots were sold separate by , and offered to the one who would take the smallest portion of the same for the tax, and were sold to that person." This was in strict conformity with the statute rev., sec. 766.

432 III. It is next urged that the tax deeds show from six to eight

lots sold together for a gross sum of taxes due on all of them, and are therefore void. Where a tax deed embraces several distinct lots or tracts of land which purport to have been sold in mass for a gross sum, it is void on its face. Boardman vs. Brown, 20 Iowa, 134; Ferguson vs. Heath, 22 Iowa, 519; Ackley vs. Sexton, 24 Iowa, 320. In this case there were two sets of tax deeds, the first set being the ones against which this objection is urged. They do not come strictly within the cases above cited; they do not clearly show that the sale was in mass for a gross sum; they recite the amount of taxes, interest, and costs due on each lot separately, and that the purchaser bid such several sums for the several lots at a tax sale then held; that the lots were struck off to him, and that he paid said several sums amounting in the aggregate, &c.; but whether these deeds were obnoxious to the rule established by this court we need not determine. The tax purchaser, in order to avoid any such objection that might be made to them, applied, in 1868, to the treasurer, who issued new deeds in conformity with the statute, and in accordance with the manner of the sales, showing that the lots were each sold separately; this fact that the lots were sold separately is clearly shown by evidence, aliunde; that the treasurer had authority to make new deeds to the purchaser, in accordance with the facts, has been held in McCready vs. Sexton, 27 Iowa. (See Western Jurist, 4 vol., 284, Sept., 1870.)

IV. The appellant insists, in the next place, that the treasurer had no authority to make and deliver any of the tax deeds in question. The evidence shows that the lots were sold for taxes in 1863, for the
433 taxes of previous years; that they were subsequently sold for taxes in several different years, and that the plaintiff redeemed from all of the tax sales except that of 1863, in pursuance of which the deeds were executed. The position of appellant is, that the subsequent tax sales divested the interest of the tax purchaser under the sales of 1863. In this position we cannot concur. Had any of the tax sales, after 1863, been suffered to ripen into titles, the interest of the former tax purchaser would have been thereby divested; but by redeeming from the subsequent sales, and not from that of 1863, the appellant assisted the purchaser under the sales of 1863, to obtain a tax deed under such sales. The mere sale of land for taxes does not abrogate or destroy the rights of a purchaser under a previous sale, at all events where the purchasers are by different persons. It is only when the subsequent sale ripens into a title that the interest of the first purchaser is destroyed. A redemption from the subsequent sales protects the previous purchaser from such contingency. It simply does away with the effect of the sale redeemed from, and otherwise makes no change in the title.

V. It is also claimed by appellent that, by her redemption from subsequent tax sales, the prior titles and liens were postponed to hers; that the first tax sale divested all interests; that the subsequent sales divested the first, and that her redemption from the subsequent sales wiped them out and gave her paramount title. We have just seen that redemption from subsequent sales, protected the first and enabled the purchaser to obtain tax deeds under his purchasers, so that the appellant gained nothing by making such redemption, nor did the
434 same affect those persons having prior liens to that of appellant. The evidence shows that the lots not held under the tax deeds, are held by Hays under a sheriff's deed on the Garvin judgment, which was prior to plaintiff's.

Passing by the defect in the appellant's title, and the inquiry as to her right to attack that of the appellees, we have noticed each of the objec-

tions made by appellant to the validity of the tax deeds, and find none of them tenable.

The judgment of the district court is therefore affirmed.

435 *Bond.*

Supreme Court of the United States.

EUNICE N. GRAY
vs
WILLIAM F. COAN ET AL. } In error.

Know all men by these presents that we, Eunice N. Gray, (plaintiff in error in this cause,) and Daniel Gray and John Dunn, of Clinton, Iowa, sureties, *of the city of Clinton, Iowa, sureties*, are held and firmly bound unto the above-named William F. Coan in the sum of one thousand dollars, to be paid to the said Coan, his executors, or administrators; to which payment, well and truly to be made, we bind ourselves and each of us, jointly and severally, and our and each of our heirs, executors, and administrators, firmly by these presents, sealed with our seals, and dated this 28th day of June, 1871.

Whereas the above-named Eunice N. Gray hath prosecuted a writ of error to the Supreme Court of the United States to reverse the judgment rendered in the above-entitled suit by the supreme court of Iowa:

Now, therefore, the condition of this obligation is such, that if the above-named Eunice N. Gray shall prosecute her said writ of error to effect, and answer all damages and costs if she shall fail to make good her plea, this obligation shall be void; otherwise the same shall be and remain in full force and virtue.

EUNICE N. GRAY. [L. S.]
DANIEL GRAY. [L. S.]
JOHN DUNN. [L. S.]

Sealed and delivered in presence of—
W. W. STEVENS.

436 STATE OF IOWA,
City & County of Clinton, ss:

I, John Dunn, being duly sworn, say that I am a real property-holder and owner in said county of Clinton, Iowa, and that I am the owner of personal property worth over one thousand dollars, over and above all exemptions from execution or any other claims, and that I am a resident, and have resided in said Clinton County over twenty years; and that I am a surety in above bond.

JOHN DUNN.

Subscribed and sworn to before me, and in my presence, by the said John Dunn, this 1st day of July, 1871.

[L. S.]

W. W. STEVENS,
Notary Public.

STATE OF IOWA, *City & County of Clinton, ss:*

I, Daniel Gray, being duly sworn, say that I am a resident of said city & county of Clinton, and one of the sureties in the above bond, and am worth over one thousand dollars over and above all debts or demands, or property exempt from execution.

D. GRAY.

Subscribed and sworn to this first day of July, 1871, before me, and in my presence, by the said Daniel Gray.

[L. S.] W. W. STEVENS,
Notary Public.

Approved June 10th, 1871.

JAMES G. DAY,
Chief Justice Supreme Court Iowa.

Filed July 24th, 1871.

C. LINDERMAN, *Clerk.*

437 STATE OF IOWA, *Supreme Court:*

I, C. Linderman, clerk of the supreme court of Iowa, do hereby certify that the foregoing pages contain a full, true, and complete copy of the transcript, and all the papers filed in my office in the case of Eunice N. Gray vs. William F. Coan et al.; also, a full, true, and complete copy of the record entries, and opinion of said court, in said court, and a full true, and complete copy of the appeal bond filed in said cause, as full, true, and complete as they and each of them appear of record and remain on file in my office.

In testimony whereof I have hereunto subscribed my name and affixed the seal of said court this 7th day of November, A. D. 1871.

[SEAL.] C. LINDERMAN, *Clerk.*

Costs of transcript, $142 00; paid by E. N. Gray.

438 Supreme Court of the United States.

STATE OF IOWA, *Clinton County, ss:*

I, Peter Melendy, being duly sworn, doth depose & say that I am the marshall of the United States for the district of Iowa, and that, as such marshall, I served a copy of the annexed writ of error and citation each of the defendants named in said writ & citation, to wit, on William F. Coan, Walter I. Hayes, Patrick Judge, Cornelius Shay, Patrick Haley, Owin Melvin, William Rogan, Timothy Haley, Patrick Riley, & Anthony Rowan, by reading said writ & citation to each of said defendants, personally, & delivering to each of said defendants a copy of said writ & citation, (except the said Timothy Haley, who is dead, & that the said services was made as aforesaid on his widow,) & that the said Cornelius Shaw refused to receive a copy of said writ & citation after the same was offered to him, and that said service was so made as aforesaid in
439 the city & county of Clinton, & State of Iowa, aforesaid.

PETER MELENDY,
U. S. Marshal for the District of Iowa.

Subscribed & sworn to before me & in my presence by the said Peter Melendy, this 4th day of August, A. D. 1871.

[SEAL.] W. W. STEVENS,
Notary Public.

440 UNITED STATES OF AMEICA, *ss:*

The President of the United States of America to the judges of the supreme court of the State of Iowa, greeting:

Because, in the record and proceedings, as also in the rendition of a judgment in a plea which is in the said supreme court of the State of Iowa, before you, between Eunice N. Gray and William F. Coan, Walter

I. Hayes, Patrick Judge, Cornelius Shay, Patrick Haley, Owen Melvin, William Rogan, Timothy Haley, Patrick Riley, and Anthony Rowen, a manifest error hath happened, to the great damage of the said Eunice N. Gray, as by her petition appears; and it being fit that the error, if any there hath been, should be duly corrected, and full and speedy justice done to the parties aforesaid in this behalf, you are hereby commanded, if judgment be therein given, that then, under your seal, distinctly and openly, you send the record and proceedings aforesaid, with all things concerning the same, to the Supreme Court of the
441 United States, together with this writ, so that you have the same at Washington on the first Monday of December next, in the said Supreme Court to be then and there held, that, the record and proceedings aforesaid being inspected, the said Supreme Court may cause further to be done therein to correct that error, what of right and according to the law and custom of the United States should be done.

Witness the Honorable Salomon P. Chase, Chief Justice of the said Supreme Court of the United States, this seventeenth day of July, in the year of our Lord one thousand eight hundred and seventy-one, and of the independence of the United States the ninety-sixth.

[SEAL.] GEORGE B. CORKHILL,
Clerk Circuit Court U. S. Dist. of Iowa.

Citation.

UNITED STATES OF AMERICA, *ss :*

442 To William F. Coan, Walter I. Hayes, Patrick Judge, Cornelius Shay, Patrick Haley, Owin Milvin, William Rogan, Timothy Haley, Patrick Riley, and Anthony Rowan, greeting:

You and each of you are hereby cited and admonished to be and appear at a Supreme Court of the United States, to be holden at Washington, on the first Monday of December next, pursuant to a writ of error filed in the clerk's office of the supreme court of the State of Iowa, wherein Eunice N. Gray is plaintiff, and you and each of you are defendants in error, to show cause, if any there be, why the judgment in the said writ of error mentioned, should not be corrected, and speedy justice should not be done to the parties in that behalf.

Witness the Honorable James G. Day, chief justice of the said supreme court of the said State of Iowa, this 10th day of June, in the year of our Lord 1871.

JAMES G. DAY,
Chief Justice Sup. Court, Iowa.

443 (Indorsed:) Eunice N. Gray v. William F. Coan, Walter I. Hayes, Patrick Judge, Cornelius Shay, Patrick Haley, Owin Melvin, William Rogan, Timothy Haley, Patrick Riley, & Anthony Rowan. Writ of error & citation to S. C. U. S. Filed Aug. 8, '71. C. Linderman, cl'k. D. Gray, pl'ff att'y

444 *Assignment of errors from the supreme court of Iowa.*

Supreme Court of the United States.

EUNICE N. GRAY, PLAINTIFF IN ERROR,
vs.
WILLIAM F. COAN & OTHERS, DEFENDANTS IN error.

Afterwards, to wit, on the first Monday of December, 1871, in this same

term of December, before the justices of the Supreme Court of the United States, at the city of Washington, comes the said Eunice N. Gray, by D. Gray, her attorney, and says that, in the record and proceedings aforesaid, and also, in the giving the judgment aforesaid, in the said supreme cour' of Iowa, there is manifest error in this, to wit:

1. That said supreme court of said State of Iowa erred in deciding that section 784, chapter 45, of the tax laws and code of Iowa, and said tax deeds are valid, for the reason that said plaintiff in this action has been deprived of all proof in relation to all the prerequisite tax
445 laws relating to this said tax sale, by the provisions of said section 784

2. That said court erred in deciding that said tax deeds and section 784 are valid, for the reason that, by section 759, of this same tax law and code of Iowa, "the treasurer shall in no case sell real property for delinquent taxes when personal property, not exempt from taxation, belonging to the individual, can be found in the county," and that said plaintiff has been deprived of all proof, by said section 784, in relation her personal property.

3. That said court erred in deciding said tax deeds valid, for the reason that said section 784 not only prohibited all proofs by the said plaintiff in relation to her personal property, and the want of any compliance with said section 759, but also as all the prerequisite tax laws of Iowa, "from the listing and valuation of the property," (personal and real,) up to the execution of the said "tax deeds."

4. That the said court erred in deciding said tax deed and section 784 valid, for the reason that said section 784 declares that
446 said tax deeds shall be "conclusive evidence that all things whatsoever required by law to make a good and valid sale and vest the title in the purchaser were done;" and that said plaintiff has been able and ready at all times, both before and since said tax sale of 1862, under which said defendants' claim is made, and is now ready, to prove that she possessed and owned sufficient personal property to pay said taxes, in accordance with the requirements of said section 759, which proofs have been excluded from this case by said section 784 as aforesaid.

5. That said court erred in deciding that said tax deeds and section 784 are valid, for the reason that the said prohibition of said proof as aforesaid is "repugnant to the Constitution of the United States" and to the laws and customs of the same, and by which the said plaintiff's title-deeds to said lots have not only been "impaired," but annul ed and destroyed.

6. That said court erred in deciding that said tax deeds and section 784 are valid, for the reason that said section 784 is also an "ex post facto law" which substitutes said tax deeds for all the prerequi-
447 site tax laws of said code of Iowa which preceeded the giving of said tax deeds by said treasurer three years before, and which said prerequisite tax laws were thereby wholly abrogated, and the recitals (which are false) in said tax deeds being substituted therefor.

7. That said court erred in deciding that said tax deeds and section 784 are valid, for the reason that said section 784 has wholly abrogated all our settled rules of the law of evidence and the customs of the United States in relation to forfeitures, which requires the strictest proof to establish a forfeiture by the party claiming any right under or by virtue of such forfeiture, and is a complete shield to all the errors, omissions, and illegal acts by which said plaintiff's said property has been taken

in this case as aforesaid, without "due process of law" or a "just compensation."

8. That said supreme court of said State of Iowa also erred in deciding that said tax deeds and section 783, of said tax laws of said code of Iowa, are valid, for the reason that said section 783 required said treasurer of Clinton County to insert in said tax dee's, and that
448 said treasurer did accordingly insert and set forth in said tax deeds three recitals, which are shown by the proofs in this case to be false, and that said proofs stand recorded in said treasurer's office by said treasurer, as required by said tax law.

9. That said court erred in deciding that said tax deeds and section 783 are valid, for the reason that section 783 not only required those three false recitals to be made in said tax deeds by said treasurer, but also stultified said treasurer by requiring him to acknowledge said tax deeds and said false recitals to be "his voluntary act and deed," which said false recitals in said tax deeds are as follows, to wit:

1. That said lots (named in each of said seven deeds) were sold "together for the amount of the taxes, interest, and costs then due and remaining unpaid on said property."

2. That said "property had not been redeemed as provided for by law."

3. That said tax sale was made "in substantial conformity with
449 all the requirements of the statute in such case made and provided."

10. That said court erred in deciding that said tax deeds and said section 783 are valid, for the reason that said section 783 prescribed the precise words and form of said tax deeds, and that both said tax deeds and said section 783 are identically the same, (except the filling up the blanks of date, &c.,) and that therefore said tax deeds could not be holden to be valid and constitutional without, at the same time holding and deciding said section 783 to be valid and constitutional; also, (said tax deeds being of special statutory creation,) a' not either the voluntary or truthful act of said treasurer.

11. That, for each and all of the aforesaid reasons, the said supreme court of Iowa erred in deciding said tax deeds in this case, and said sections 783 and 784 valid and constitutional.

12. And the said plantiff further says that there is also manifest error in the said decision of the said supreme court of Iowa in the giving of their said judgment as aforesaid, in this, to wit, that said court
450 erred in deciding that all the tax sales made of said lots after the said tax sale of 1862, (under which said defendants claim as aforesaid,) that is to say, the said tax sales of 1863 and 1864 did not dispose of all said defendant's right, title, and interest in and to said lots, and bar said defendant's said claim thereto.

13. That said court erred in deciding that the deed in form, from Zara W. Arnold to Dwight Reed, dated March 17, 1859, was not a mortgage, and a lien merely on said lots.

14. That said court erred in deciding that said plaintiff has not duly redeemed said lots and blocks from all tax sales, and that the fee-simple of said lots is not in the said plaintiff.

15. That said court erred in deciding "that the appellant" (said plaintiff meaning) "gained nothing by making such redemption, nor did the same effect those having prior liens to that of appellant."

451 16. That said court erred in deciding this case in favor of the said defendants and against the said plaintiff.

And this the said Eunice N. Gray is ready to varify; wherefore she prays that the judgment aforesaid, for the manifest errors aforesaid, may be, in all respects, reversed, revoked, annul'ed, and altogether held for nothing, and that she may be restored to all things which she has lost by occasion of the judgment aforesaid, &c.

D. GRAY,
Plaintiff' Attorney.

(Indorsed:) Supreme Court of the United States. Eunice N. Gray vs. William F. Coan et al. Assignment of errors. D. Gray, pl'ff att'y. Filed Aug. 23, '71. C. Linderman, cl'k.

(Indorsement on cover:) No. 481. Eunice N. Gray, plaintiff in error, vs. William F. Coan, Walter I. Hayes, Patrick Judge, Cornelius Shay, Patrick Haley, Owen Melvin, William Rogan, Timothy Haley, Patrick Riley, and Anthony Rowan. Iowa sup. c't. Filed 5th December, 1871.